

TIGARD CITY COUNCIL  
MEETING

May 14, 2002 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL MEETING  
May 14, 2002

6:30 PM

- STUDY SESSION
  - > Discussion of Fixed Asset Policy (Also see Consent Agenda Item 4.3)
    - Finance Staff
  - > Discussion of Randall Grant Program
    - Administration Staff
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. VISITOR'S AGENDA (Two Minutes or Less, Please)
  - Tigard High School Student Envoy Nathan Leamy
    - > Consideration of Resolution Acknowledging Nathan Leamy
3. PROCLAMATION – PROCLAIM WEEK OF MAY 19-25, 2002, EMERGENCY MEDICAL SERVICES WEEK
  - Mayor
4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
  - 4.1 Approve Council Minutes for March 19, 26, April 9, 16 and 23, 2002

- 4.2 Receive and File:
  - a. Council Calendar
  - b. Tentative Agenda
- 4.3 Adopt a Revised Fixed Asset Policy – Resolution No. 02-\_\_\_\_\_
- 4.4 Approve City Manager’s Contract
- 4.5 Authorize the Mayor to Sign an Agreement Accepting \$140,400 in Community Development Block Grant Funds to Develop a New Neighborhood Park on City Property Along Bonita Road
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

5. PUBLIC HEARING (QUASI-JUDICIAL) - ZONE CHANGE ANNEXATION (ZCA) 2002-00001 FERN STREET ANNEXATION

The applicant is requesting to annex two (2) parcels into the City of Tigard. However, the City of Tigard finds it appropriate to consider annexing three (3) additional parcels for a total of five (5) parcels consisting of 9.68 acres.

**LOCATION:** 13998, 14040, 14050, 14125 and 14445 SW Fern Street; WCTM 2S104BC, Tax Lots 2400, 2200, 2100, 700 and 1000. **ZONE:** R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Open Public Hearing
- b. Declarations or Challenges
- c. Staff Report: Community Development Department
- d. Public Testimony
  - Proponents
  - Opponents
  - Rebuttal
- e. Staff Recommendation
- f. Council Questions
- g. Close Public Hearing
- h. Council Consideration: Ordinance No. 02-\_\_\_\_\_

6. CONSIDER AWARDING ARCHITECTURAL CONCEPTUAL DESIGN SERVICES FOR A SKATEBOARD PARK FACILITY TO PURKISS ROSE, RSI AND AUTHORIZE EXPENDITURES FOR INITIAL COSTS OF THE SKATEBOARD PARK TASK FORCE
  - Staff Report: Public Works Staff
  - Council Consideration: Award Architectural Conceptual Design Services for a skateboard park facility to Purkiss Rose, RSI, and authorize expenditures for initial costs of the Skateboard Park Task Force
7. UPDATE ON LIBRARY'S ANNUAL SUMMER READING PROGRAM
  - Library Staff
8. FINANCE DEPARTMENT OVERVIEW
  - Finance Staff
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
12. ADJOURNMENT

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF May 14, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Acknowledge and Commend Nathan Leamy for his Efforts as the Tigard High School Student Envoy to the City of Tigard

PREPARED BY C. Wheatley DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Should the Council acknowledge and commend Nathan Leamy for his efforts as the Tigard High School Student Envoy to the City of Tigard?

STAFF RECOMMENDATION

Adopt the proposed resolution.

INFORMATION SUMMARY

Mr. Nathan Leamy of the Tigard High School has served as the School Envoy to the City of Tigard for the past school year. Mr. Leamy has given the City Council timely and informative updates about student activities. Many of these activities included students' efforts to help community members in need. Mr. Leamy's reports have given the community a glimpse of the positive activities by students.

This is an opportunity for the Council to acknowledge Mr. Leamy for his exemplary service and to wish him health, success, and prosperity upon his graduation from Tigard High School and embarking upon his college career.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Two target areas benefit from the Student Envoy Program:

1. Community Character & Quality of Life

Communication Goal: Citizen involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information in a variety of formats, providing opportunities for input on community issues and establishing and maintaining a program of effective two-way communication.

2. Schools & Education

Two-Way Communication Goal: School district ensures effective two-way communication to the entire community by regularly providing information about school-related issues.

ATTACHMENT LIST

1. Proposed Resolution

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-\_\_\_\_\_

A RESOLUTION ACKNOWLEDGING AND COMMENDING NATHAN LEAMY FOR HIS  
EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

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WHEREAS, City of Tigard elected and appointed officials have benefited from Tigard High School Student Envoy Nathan Leamy's regular updates about student activities; and

WHEREAS, Nathan Leamy's updates have been timely, informative, and presented to the community a glimpse of the positive activities occurring at Tigard High School; and

WHEREAS, Tigard High School student leaders are to be highly praised for the work they do and the message they convey to make others aware when fellow students, faculty, or community members are in need; and

WHEREAS, Nathan Leamy has set a fine example for future Student Envoy representatives to the City of Tigard.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1:       The City of Tigard extends to Nathan Leamy an expression of appreciation for his exemplary service as Tigard High School Student Envoy.

SECTION 2:       The City of Tigard extends to Nathan Leamy its best wishes for good health, success, and prosperity upon his graduation from Tigard High School and embarking upon his college career.

PASSED:           This \_\_\_\_\_ day of \_\_\_\_\_ 2002.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

MINUTES  
TIGARD CITY COUNCIL WORKSHOP MEETING  
March 19, 2002

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:35 p.m.
- 1.2 Roll Call: Mayor Griffith and Councilors Dirksen, Patton and Scheckla were present.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items: None

City Manager Bill Monahan noted that there were some administrative items that could be discussed at the end of the meeting.

2. JOINT MEETING WITH TIGARD-TUALATIN SCHOOL DISTRICT REPRESENTATIVES

Discussion of School District Facilities Bond

Tigard-Tualatin School District Superintendent Steve Lowder introduced Public Information Officer Susan Stark Haydon, and Rhoda Culin and Jan Kittelson, members of the School District's Planning Committee. Dr. Lowder said that the Committee's recommendations have been approved by the School District Board. The group handed out a booklet entitled, "PlanCom – Now for the Future." A copy of the booklet is on file in the City Recorder's Office.

Dr. Lowder, Ms. Culin, Ms. Kittelson, Ms. Stark Haydon and Ms. Leland gave a PowerPoint presentation describing the Committee's process, recommendations, and the School District's facilities bond measure. A copy of the presentation is on file in the City Recorder's Office.

Following the presentation, Dr. Lowder provided additional information on the School District's financial situation. The District has taken advantage of low bond rates to restructure debt, resulting in taxpayer savings of over \$1 million. Lowe's Hardware is located on District property by way of a land lease. This arrangement will bring the District \$30 million over the next 25 years. This money will be used to pay off the Deer Creek bond, for the administration building, and for other District needs. The District's annual budget is \$83 million, with 80 percent spent

on staff and 13 percent spent on utilities and maintenance. Making upgrades and repairs to school facilities should result in savings. The passage of Measure 5 created about a \$5 million annual loss of funding for the District. With regard to the State budget, if Measure 13 passes in May, \$220 million will be taken from the school endowment fund for K-12 education this year. If the measure doesn't pass, the District is facing an additional financial burden. The District anticipates a \$5 million shortfall for the coming school year. Dr. Lowder continued by saying that even if Measure 13 passes, there will still be a significant reduction in funding for the District. Some of the options under consideration for balancing the budget include:

- a reduction in the instructional calendar
- an increase in class size
- a prioritization of programs, with only essential programs being funded
- using money from the local option tax toward the general fund

The District will be making its funding decisions by the end of May or early June.

### 3. JOINT MEETING WITH THE LIBRARY BOARD

Library Director Margaret Barnes introduced Library Board members Anne Braun, Jan Thenell, Jeff Lawton, David Chapman, and Marvin Diamond. Ms. Barnes said that the Board members were going to give the Council a "show and tell" overview of the library's programs and services.

- Children's Programs – Ms. Braun  
Ms. Braun said that in 2001, 10,051 children and adults attended youth programs, and 2,306 children and adults attended story and craft time programs. Ms. Braun brought examples of circulation items from the toddler section. She described services, resources and circulation items for young adults and parents.
- Annual Survey Results – Ms. Barnes  
Ms. Barnes described the results of the January 2002 Annual Survey. The survey had 1,700 respondents. When asked what new library services were needed, respondents said:
  - increased book collection
  - additional hours
  - quiet reading area
  - more computer/internet stations
  - more audiovisual materials



- more children and teen activities
- community meeting space

When asked if they would support funding a new library, respondents said:

- yes – 76 percent
- no – 22 percent
- undecided – 2 percent

Additionally, 70 to 80 percent of the respondents said they had received either “good” or “excellent” reference or circulation service.

- Career Resources – Ms. Thenell  
Ms. Thenell highlighted the library’s career and business services and resources.
- How reading makes a difference in the lives of young people – Mr. Lawton  
Mr. Lawton talked about how reading can impact youth and described how books helped his two sons identify and cultivate their interests and hobbies.
- Circulation and Volunteer Program – Mr. Diamond  
Mr. Diamond talked about the increase in library circulation over the past three years. He continued by saying that 150 volunteers contribute 1,000 hours every month. This is the equivalent of six full-time employees. Volunteers worked 12,147 hours in 2001. Mr. Diamond discussed the vitality and energy of the library’s readership and the value of volunteers.
- Special Collections – Ms. Barnes  
Ms. Barnes brought a sampling of items from the library’s special collection. She described resources available in Spanish, the Northwest collection, and various other resources in non-print formats.
- Update about the proposed new library – Mr. Chapman  
Ms. Barnes handed out a sheet entitled, “New Tigard Library Construction Committee Presentations.” A copy of the handout is on file in the City Recorder’s Office. Mr. Chapman described where new library presentations have taken place and how many people have viewed the model. He discussed other methods used to reach the public such as a presentation at the Citizen Involvement Team meeting and a cable television spot called, “Tigard Public Library – Past, Present and Future.”

Meeting recessed at 7:58 p.m.

Meeting reconvened at 8:10 p.m.

#### 4. UPDATE ON TRI-MET ACTION PLAN

Community Development Director Jim Hendryx introduced Associate Planner Julia Hajduk and Planning Manager Barbara Shields. Ms. Hajduk and Shields stated that improved intra-city bus service and park and ride facilities were a Council goal. They are in the process of developing a transit action plan to provide staff and Tri-Met with clear objectives. The transit action plan will include an inventory and analysis, and information on program development, recommendations, and implementation. The eight road segments that were identified for study included:

- Bonita between Hall and 72<sup>nd</sup>
- Durham between 99W and Hall
- Durham between Hall and the Tualatin Transit Center
- McDonald between 99W and Hall
- Gaarde between 99W and Barrows
- 72<sup>nd</sup> between 99W and Hampton
- 72<sup>nd</sup> between Hunziker and the Tualatin Transit Center
- Bull Mountain between 99W and Barrows

Potential factors for prioritizing these road segments are as follows:

- Population
  - Minority
  - Youth
  - Senior
  - Low-income
- Life Needs
  - Employment support & education
  - Food & health
  - Social programs
  - Employee population
- Other
  - Existing infrastructure in place
  - Route identified in Transportation System Plan
  - Existing transit opportunities

Exhibit B of the Council packet materials demonstrates the ranking of the road segments based on the unweighted factors shown above and is on file in the City Recorder's Office. Information on low-income populations will be available this summer and may impact these rankings.

Ms. Hajduk and Shields asked the Council if these factors were representative of their areas of concern and if they wished to provide greater or lesser importance (weighting) to any of the factors. Council consensus was to give higher, but equal

weighting to low-income, youth and senior populations. Councilor Patton suggested researching other transit opportunities for these groups and then possibly adjusting the weighting further. She added that separating employment and education factors may be helpful.

Mr. Hendryx stated that in the future, Tri-Met has expressed an interest in entering into intergovernmental agreements regarding transit service. In response to a question from the Mayor, Mr. Hendryx said Tri-Met is more willing to consider providing service in locations with sidewalks, shelters, lighting, etc.

## 5. DISCUSSION OF STREET MAINTENANCE FEE STUDY REPORT

City Engineer Gus Duenas introduced the Chairperson of the Transportation Strategies Task Force Bev Froude, Vice-Chairperson Paul Owen, and Development Review Engineer Brian Rager. Mr. Duenas talked about the history and the charge given to the Task Force. A PowerPoint presentation summarizing the report was made. A copy of the presentation is on file in the City Recorder's Office.

In response to a question from Councilor Patton, Mr. Duenas stated that it would take about 10 years to get through the maintenance backlog.

Mr. Rager explained how the study data was acquired, how land use categories were selected, and how trip generation and rates were calculated.

Councilor Patton confirmed that, along with other recommendations, the Task Force was proposing to fund right-of-way and sidewalk maintenance only for major collectors. In response to an inquiry, Mr. Duenas stated that other municipalities had instituted the fee through council action. Councilor Patton continued by stating that if Council supported the Task Force recommendations, it could either take action on the fee or could refer the issue to the voters. The choice is a policy decision. Mr. Duenas cautioned that in taking on sidewalk and right-of-way maintenance, the city would also be assuming liability for these areas. Mr. Duenas suggested establishing a dialogue with businesses most affected by the fee as a "next step."

Mayor Griffith confirmed that in general, residential fees were per unit and non-residential fees were based on square footage.

Councilor Dirksen stated that he was a member of the Task Force. He added that given current financial conditions, the funding deficit is expected to continue. The Task Force considered the following three funding options:

- an increase in an existing tax or adding a new tax
- creating a street maintenance fee
- relying on grants and “free money”

The Task Force rejected the tax increase/addition option because the tax would require voter approval. The existing political climate might not support a tax increase. The Task Force also rejected the grant option, because it does not provide a stable source of funding for the long-term. The remaining option was the street maintenance fee and the Task Force considers this the best, most equitable solution. Monies generated by the fee would mean that existing funds could be use for capital projects. Mr. Owen expressed the Task Force’s support of the street maintenance fee option.

Councilor Patton said she was supportive of the user-fee, or street maintenance fee. Because maintenance and other projects were traditionally funded through the state gas tax, citizens aren’t accustomed to thinking about this issue. Now, as gas tax funding decreases, the city is at a turning point and must do something to address maintenance. Otherwise, more costly major reconstruction projects will result. Councilor Patton concurred with Councilor Dirksen and the Task Force that a user-fee was the best option to address the problem. She suggested that outreach to those most affected by the proposed fee be the next phase of the process.

Councilor Scheckla expressed concern about setting a precedent by assessing a fee without a vote of the people. Other Councilors responded to Councilor Scheckla’s concern.

Mr. Duenas summarized by saying that a street maintenance fee would be a positive step in funding the much-needed work. He reported that the Task Force would continue to explore other sources of funding, with an emphasis placed on identifying funding for major collector improvements. A street maintenance fee would provide the Task Force with more greater latitude in funding projects.

Mayor Griffith directed Mr. Duenas to begin discussing the proposed street maintenance fee with those who would be impacted. The Mayor said that the method of fee implementation could be decided at a later date.

## 6. DISCUSSION OF OPTIONS FOR COOK PARK CONCESSIONS

Public Works Director Ed Wegner introduced this item. He asked the Council for direction on whether they wished to proceed with construction of a concession/restroom building as outlined in the 1997 Master Plan and whether they wanted to negotiate with the Atfalati Recreation District (ARD) regarding an exclusive concession contract.

Mr. Wegner indicated that he would expect the concession stand to be open seven days a week for approximately six months of the year. The exclusive rights of the concession contract would prevent other vendors and park-goers from selling food in the park, but would not impact community events, picnics, etc. If the ARD operates concessions, they would pay a percentage or specified dollar amount to the city. These payments would initially go toward the cost of the building and could subsequently go to park fees. Discussion of the specific terms of the contract ensued.

Property Manager John Roy asserted that this is an opportune time to construct the building as part of the overall park improvements. The construction industry is slow and bids would be more competitive.

City Manager Monahan acknowledged that the building will flood and would be built in such a way as to accommodate water and clean-up. Mr. Roy confirmed that the vendor will have to work with the Health Department. Mr. Wegner added that concession equipment will be the property of the vendor and will be removed at the end of the season. Mr. Monahan mentioned that the vendor may decide to do business with an exclusive provider such as Coke.

Councilor Patton recounted that the Council wished to build the building and that a supplement to the agreement with ARD for concession services be pursued. Councilor Patton summarized the memo from the city attorney which explained why the city did not need to go out for bid regarding the concession contract. A brief discussion about the Commission for the Blind ensued.

## 7. COUNCIL LIAISON REPORTS

### Commuter Rail Downtown Task Force

- Councilor Dirksen said the Task Force was reviewing station options and would be preparing a list of people who will be invited to work on the project.

### Metropolitan Area Communications Commission

- Councilor Scheckla reported that he would be attending a meeting tomorrow and that the Qwest issue would be discussed.

8. NON-AGENDA ITEMS

- The Council had no final questions or issues relating to the upcoming city attorney review.
- The Council was informed that the Tigard High School Boys Basketball State Champions had been invited to and would be recognized at the April 9 Council meeting.
- Councilors Dirksen and Scheckla said they would not attend the Westside Economic Summit on April 3. Councilor Patton said she may be able to attend.

9. EXECUTIVE SESSION - No Executive Session was held.

Meeting adjourned at 10:08 p.m.

Attest:

\_\_\_\_\_  
Greer Gaston, Deputy City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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MINUTES  
TIGARD CITY COUNCIL BUSINESS MEETING  
March 26, 2002

- STUDY SESSION

- Meeting was called to order at 6:32 p.m.
- Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla

- > CITY ATTORNEY REVIEW

City Manager Monahan introduced this item. City Attorney Ramis overviewed the activity of the City Attorney's office last year. He noted they placed emphasis on attorney availability and responsiveness. Mr. Ramis also commented on the value of preventative law to avoid litigation. The attorneys recognize they are not the policymakers, but strive to be available to staff to determine options available and how to best implement policy.

Mr. Ramis distributed and reviewed information concerning the annual billings to the City of Tigard as well as a comparison of legal service costs for other Oregon cities. This information is on file in the City Recorder's office.

Council discussion followed. It was noted Tigard staff save on legal costs by first developing a draft product, which is then reviewed by the attorneys. Communication between the staff and attorney office is good.

City Manager Monahan advised there might be some additional legal expenses with added juvenile court cases and also expenses if the library bond passes.

Council members complimented Mr. Ramis and the law firm for their professional demeanor, openness, and acceptance of pursuing new ideas.

The next City Attorney review will be in October 2003.

- > UPDATE ON THE PROPOSED LOCAL OPTION LEVY FOR  
WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS)

Library Director Barnes and Finance Director Prosser reviewed this agenda item. They shared the concerns expressed by the Tigard City Council about the amount of the proposed levy. Other cities expressed similar concerns. The original proposal was for \$50 million for five years. The current major topic of discussion with regard to the WCCLS levy is the manner in which the

distribution of funds is calculated. The formula model is being refigured; additional work is needed. Once the WCCLS proposal goes to the County, additional dollars will be added to fund the Regional Arts and Culture Council.

In response to a question from Mayor Griffith, Mr. Prosser advised that the City of Tigard produces more revenue from its taxpayers than what the Tigard Library receives back. However, Tigard also gets support from WCCLS central services.

Discussion followed on the service formula. Council members also noted concern about the addition of the Regional Arts and Culture Council funding to the library levy amount. The plan is for the County to take action on forwarding the proposed levy amount to voters, and then the Council can give input either formally or informally. The preference for Tigard Council would be to give input before the County has approved the ballot measure.

> PORTLAND POLICE DATA SYSTEM (PPDS) RENEWAL OF INTERGOVERNMENTAL AGREEMENT

Chief of Police Ron Goodpaster reviewed this agenda item. Tigard has been participating in this system since 1997 and the cost was \$1,400 per month; the new agreement is for \$2,400 per month. Since the start of the program, use has increased dramatically and upgrades have been installed. All surrounding jurisdictions, with the exception of Clackamas and Washington Counties (Sheriff offices) participate, which adds to the value of the information collected and shared.

After discussion, Council consensus was to support continued use of PPDS. This item will be before Council for formal approval at the April 23, 2002, Council meeting.

> SELECT CITY MANAGER REVIEW FORMAT

Council discussed this agenda item. Council agreed to use the same format as last year. Councilor Moore suggested that Council set goals for the Manager this year.

Council Study Session recessed: 7:28 p.m.

- EXECUTIVE SESSION: Canceled



1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board  
Mayor Griffith called the meeting to order at 7:35 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

> SPECIAL RECOGNITION: TIGARD HIGH SCHOOL BOYS BASKETBALL TEAM  
2002 STATE CHAMPIONS

Several Tigard High School Basketball Team members were present to receive congratulations from the City Council on behalf of the City of Tigard for winning the 2002 State Championship.

Motion by Councilor Scheckla, seconded by Councilor Patton, to adopt resolution No. 02-19.

RESOLUTION NO. 02-19 – A RESOLUTION CONGRATULATING THE  
TIGARD HIGH SCHOOL BOYS BASKETBALL TEAM AS 2002 STATE  
CHAMPIONS

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

2. VISITOR'S AGENDA

- Mr. Marvin Diamond presented information in support of the library bond measure on the May Ballot (Measure 34-47). He also announced the upcoming "Night of Jazz," (April 5) which is being held to promote support for the measure.
- Mr. Jim Kilbaugh, 11620 SW Gallo, Tigard, advised he was representing neighbors who would oppose a cell tower that might be placed in their neighborhood. City Attorney Ramis advised that, since this is a matter that could be reviewed by Council (if appealed), the Council should not receive testimony at this time. Arguments can be brought forward during the appeal hearing.

3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Patton, to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for January 22, 2002
- 3.2 Adopt a Resolution Initiating Vacation Proceedings to Vacate a Portion of Public Right-of-way on SW 68<sup>th</sup> Parkway at the intersection of SW Atlanta Street (VAC2002-00001) – Resolution No. 02 - 20
- 3.3 Approve Budget Amendment #8 to the Fiscal Year 2001-02 Budget to Appropriate a \$16,200 Oregon State Library Grant for the Hispanic Youth Initiative – Resolution No. 02 - 21
- 3.4 Approve Budget Amendment #9 to the Fiscal Year 2001-02 Budget to Add the Wall Street Project to the Approved Capital Improvement Program – Resolution No. 02 - 22\_\_\_\_
- 3.5 Adopt a Resolution Accepting an Additional \$390,000 in Priorities 2002 Federal Funding for the Greenburg Road Project – Resolution No. 02 - 23
- 3.6 Local Contract Review Board
  - a. Award the Contract for the Base Bid and Bid Alternate 1B for the Cook Park Master Plan Expansion Phase II Construction to Robert Gray Partners
  - b. Award the Contract for the Construction of Fiscal Year 2001-02 Sewer Rehabilitation Program to Gelco Services, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTERS 18.775 AND 18.797 OF THE TIGARD MUNICIPAL CODE AND VOLUME II, SECTION 4 OF THE TIGARD COMPREHENSIVE PLAN PERTAINING TO SENSITIVE LANDS AND WATER RESOURCES
- a. Mayor Griffith opened the public hearing.
  - b. Associate Planner Duane Roberts presented the staff report, which is on file in the City Recorder's office.

City Attorney Ramis, in response to a question from Councilor Scheckla regarding concerns about potential impacts of Measure 7, advised that two items are in the proposed ordinance to protect the City of Tigard:

1. The provisions of the ordinance are required by Metro.
2. The ordinance allows the City to grant a waiver in the event of a future Measure 7 claim.

c. Public Testimony

- Margaret Finley, 11260 SW Gaarde, Tigard, inquired about the meaning of the term "restoration"? Mr. Roberts said it meant to "restore to a good condition" as defined by Clean Waters Services. Ms. Finley also inquired about variances and an area of her property that provides drainage. Mr. Roberts advised that requirements do not apply to existing development. Mr. Roberts also said that the rules encourage plantings, such as trees. Title 3 information can be obtained from staff members at the City's Community Development Counter at City Hall. Maps are available to determine how an individual property is affected.

d. Mayor Griffith closed the public hearing.

e. Staff recommended approval of the proposed ordinance.

f. Motion by Councilor Scheckla, seconded by Councilor Patton, to adopt Ordinance No. 02-15.

ORDINANCE NO. 02-15 – AN ORDINANCE AMENDING CHAPTERS 18.775 AND 18.797 OF THE TIGARD MUNICIPAL CODE AND VOLUME II, SECTION 4 OF THE TIGARD COMPREHENSIVE PLAN

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

5. CONSIDER AN INTERGOVERNMENTAL AGREEMENT REGARDING THE DURHAM QUARRY SITE

City Manager Monahan presented the staff report, which is on file in the City Recorder's office. Also present was Larry Eisenberg from Washington County and Bruce Woods of OPUS (member of the project development team).

Mr. Woods gave a presentation of the current plans for developing the site, which will be known as "Bridgeport Village." The development will consist of retail and office space and is characterized as a "lifestyle center." Full buildout will offer 800,000 square feet of commercial/office space, with over 500,000 square feet to be developed in the first phase. The nearby transit "park and ride" will be doubled in size. Mr. Woods reviewed the current problems with traffic and the proposed reconfiguration of traffic patterns and freeway accesses, which should raise the rating of the intersections from a level "F" to a "B" or "C." It is anticipated that the first phase will open the spring of 2004. Mr. Woods also presented picture boards illustrating samples of the building architecture.

Motion by Councilor Moore, seconded by Councilor Patton, to approve the proposed intergovernmental agreement between the City of Tigard, City of Tualatin and Washington County regarding the Durham Quarry site and authorize the Mayor to sign the agreement.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

6. CONSIDER AN ORDINANCE SPREADING THE ASSESSMENTS AMONG THE BENEFITED PROPERTY OWNERS IN THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT

City Engineer Duenas presented the staff report, which is on file with the City Recorder.

Motion by Councilor Moore, seconded by Councilor Scheckla, to adopt Ordinance No. 02-16.

ORDINANCE NO 02-16 – AN ORDINANCE APPROVING THE FINAL ASSESSMENT FOR THE 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT AND SPREADING THE ASSESSMENT AMONG BENEFITED PROPERTY OWNERS.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7. ENGINEERING DEPARTMENT OVERVIEW

City Engineer Duenas presented the staff report and a PowerPoint slide show to the Council that highlighted the responsibilities and accomplishments of the Department over the last year. A copy of the staff report and presentation are on file in the City Recorder's office.

8. CONSIDER A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.5 FOR THREE NON-PROFIT, LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)

Finance Director Prosser presented the staff report, which is on file in the City Recorder's office. Approximate value for the tax income to the City from the Washington Square property, when built, would be about \$9-10,000 per year. City Manager Monahan advised that the exemption request is made by CPAH on an annual basis, which gives the City and CPAH an opportunity to address any issues that may have occurred. It was noted there were problems in the past at one of the CPAH projects, but through community policing activities those issues appear to be resolved. CPAH also has made efforts over the last year to keep the City informed of their activities. Finance Director Prosser confirmed that there was a past-due water bill owed by Greenburg Oaks, which is on a payment plan and they are meeting the terms of the plan.

Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Resolution No. 02-24.

RESOLUTION NO. 02-24 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. COUNCIL LIAISON REPORTS: None.

10. NON AGENDA ITEMS

- Mayor Griffith referred to a March 26, 2002, memorandum from Barbara Shields, Long Range Planning Manager to the Mayor and Council regarding the Washington Square Regional Center/Density Requirements – Metro's Authority to Ensure Compliance with the Functional Plan. A complaint was received from Mr. Bob Ward who contended that Metro does not have the legal authority to designate density requirements. Metro was contacted and provided an explanation of density requirements, which is attached to the above-referenced memorandum. Mayor Griffith advised he would pass this information along to Mr. Ward, so he can review and pursue the matter with Metro if he wishes.

11. EXECUTIVE SESSION: Canceled.

12. ADJOURNMENT: 9:27 p.m.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

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MINUTES  
TIGARD CITY COUNCIL BUSINESS MEETING  
April 9, 2002

The meeting was called to order at 6:30 p.m. by Mayor Griffith.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla.

STUDY SESSION

> Commuter Rail Briefing

Kathy Lehtola from Washington County Land Use and Transportation briefed the City Council on current status of the Commuter Rail. Ms. Lehtola reviewed a map that indicated where the stations will be located and how the sites were selected. The Washington Square station has been temporarily located south (from Washington Square) of Scholls Ferry and is in Tigard. The site may be changed if a better site for park and ride facilities can be found.

Planning has been based on the premise that this will be a commuter rail for workers; that is, stations are three to four miles apart, with trains every one-half hour during early morning and late afternoon/early evening hours. Trains may also run at mid-day.

Ms. Lehtola explained how the service would be structured and noted the commuter rail will share the track with freight trains.

Commuter rail is one of the region's priorities. JPACT representatives traveled to Washington DC to visit with our delegates about our region's priorities. For federal funding, projects must first obtain congressional authorization before funds can be appropriated. Congressional authorization was granted last year. Ms. Lehtola advised that Senators Wu and Smith have been helpful on this project.

More services and connections can be added later; but now, the focus is on the core project.

Schedule for implementation was originally estimated to be September 2004. The projection now is for late summer or fall of 2005. Because of increased costs (purchase of track, structures and passenger rights rather than lease), more federal funds are needed.

Ms Lehtola reviewed where funding would be sought.

Tri Met may be selected as the owner/operator of the commuter rail.

Negotiations are underway for maintenance and who would run the engines. Work is also being done to work out the details to schedule commuter and freight traffic.

Stations will not be staffed nor will they have restrooms initially. They will be similar to the current bus transit areas.

Councilor Dirksen advised that Tigard was forming a task force to plan for the station in the downtown area. He said he would like someone from Washington County to serve on the task force. Mr. Lehtola said that either she or a member of her staff would attend.

> Annexation Plan

Mayor Griffith noted that he and City Manager Monahan had discussed the possible annexation of the Bull Mountain area several times since the January community meeting. The Mayor and Mr. Monahan met with County Board Chair Tom Brian and County Administrator Charlie Cameron to discuss the matter. Chair Brian and Mr. Cameron indicated that the County would be willing to offer some financial and staffing assistance. They also were agreeable to upgrading some roads to City standards if needed. The County is looking at budgeting issues and may need to cut back on some services.

There was discussion on polling City of Tigard and Bull Mountain area residents to determine whether there is support for annexing the Bull Mountain area. After the poll has been conducted, then the Council would have information to determine the next step, if any.

Community Development Director Hendryx distributed a chart, "Annexation Plan Outline" and a copy of this chart is on file in the City Recorder's office. Mr. Hendryx reviewed the annexation plan authority and the timeline for potential elections. A successful ballot measure would require a simple majority since such a measure is not considered to be a "money" measure.

The Council discussed the pros and cons for each date specified on the timelines and the public involvement process needed for both Tigard and Bull Mountain residents. Consensus of Council was that if the City did move forward with placing a ballot measure before voters, the preferred election date would be November 2003. However, it was noted the Council still has



not made a decision whether or not to go forward with the election and this decision cannot be made until the results of a poll for both Tigard and Bull Mountain residents are known.

Mayor Griffith advised that the Council would reconvene into study session after the business meeting.

Meeting recessed at 7:25 p.m.

- EXECUTIVE SESSION: Cancelled.

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board  
Mayor Griffith called the meeting to order at 7:31 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla.
- 1.3 Pledge of Allegiance – Boy Scout Troop 842 conducted the Flag Ceremony and Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. PROCLAMATIONS – Mayor Griffith announced the following:

- 2.1 Proclaimed April 2002 as Tigard Volunteer Appreciation Month
- 2.2 Proclaimed April 14-20, 2002 as National Library Week

3. VISITOR'S AGENDA

- Tigard High School Student Envoy Nathan Leamy updated the Council on activities at Tigard High School. He distributed an outline of his presentation to the City Council; this outline is on file in the City Recorder's office.
- Jack Polans 16000 SW Queen Victoria, King City, Oregon, advised Council of his visits to the Tigard-Tualatin School District. He noted concerns with dropout rates and said textbooks were not up to par.
- Sharon Maroney of Broadway Rose Theatre Company thanked the City for its support. She said that the Company's 10-year anniversary was last year and is one of the fastest-growing arts organizations in the area.

4. CONSENT AGENDA: Motion by Councilor Patton, seconded by Councilor Scheckla, to approve the Consent Agenda as follows:

- 4.1 Approve Council Minutes for September 10, 2001 and February 12, 2002
- 4.2 Receive and File:

- a. Council Calendar
- b. Tentative Agenda
- 4.3 Initiate Vacation of Public Right of Way for a 1,181.6 Square-Foot Portion of SW Dartmouth Avenue – Resolution No. 02-25
- 4.4 Appoint Gene Birchill, Alexander Craghead, Gerald McKee, Alan Mitchell, John Nibler, Robert Pike, and Eric Watson to the Building Appeals Board – Resolution No. 02-26
- 4.5 Local Contract Review Board:
  - a. Award Contract for Telephone System to Eschelon Telecom, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

## 5. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

Mayor Griffith welcomed Senator Burdick and State Representative Williams.

Representative Williams said a few introductory for Senator Burdick, who now represents Tigard as a result of redistricting.

General remarks from Representative Williams:

- The budget situation in Salem remains somewhat grim. In the second session the Legislature agreed on some cuts; the session ended stalemated with regard to budget decisions. Governor Kitzhaber has exercised veto rights and made other changes citing administrative authority. The Legislature will return for another special session in late-to-early spring. New budget figures may show the State is down another \$100 million from earlier estimates which could mean there will be a \$500 million deficit. There will be a ballot measure before voters authorizing the use of earmarked dollars for the K-12 budget. (Measure 13); approval would provide a one-time \$220 million.
- Representative Williams said he spent some time last week with Superintendent Steve Lowder to review challenges faced by the Tigard-Tualatin School District.

Senator Burdick said she is looking forward to representing the City of Tigard and serving with Representative Williams. She said she is extremely alarmed about the

condition of education in Oregon. She advised she does not know yet how she will vote of the one-time allocation of the \$220 million for schools as described by Representative Williams above. She also referred to her record as a supporter of reasonable gun measures.

In response to a question from Mayor Griffith, Representative Williams noted that the situation with regard to Ballot Measure 7 is not much further than it was when the session ended -- we are still waiting for a decision from the Supreme Court. If Ballot Measure 7 is found to be Constitutional, the State's budget problems will be exacerbated.

There was discussion on the initiative process in Oregon. Councilor Patton said she understands the importance of preserving the initiative process in Oregon but noted her concern that people who develop the measures do not have any responsibility for implementation if those measures are approved. Representative Williams advised that there is now heightened scrutiny with regard to signature gathering because of past problems.

There was further discussion about education and budget issues. The effects of Ballot Measure 5 are now being felt after a delayed impact because of the strength of the economy for such a long period of time.

In response to a question from Councilor Dirksen, Senator Burdick said some of the issues for her would not change as a result in the change of her constituency. For example, her priority on education will not change. She said her background was in land use and those issues will be similar. Senator Burdick met recently with Mayor Griffith to discuss Tigard's needs. As a result, she recently met with Tri Met and emphasized the need for cross-transit connections within the City.

In response to a question from Councilor Scheckla, Senator Burdick and Williams indicated they knew, from newspaper reports, that the rulings with regard to payment of franchise fees (Qwest case) were favorable to the City.

There was brief discussion on water, which is now a regional issue. Senator Burdick and Representative Williams said they would be available to assist Tigard if needed.

Senator Burdick agreed with Councilor Scheckla that the state does not have money to pursue a major league baseball team.

6. ANNUAL UPDATE ON THE TIGARD LIBRARY AND CITY OF TIGARD VOLUNTEER PROGRAMS

Volunteer Coordinators Susan Koepping (City Hall) and Trish Stormant (Library) presented the annual update to the City Council.

Those who volunteer and their reasons for volunteering are diverse.

Council received information on recruitment efforts and how volunteers are retained.

Over 1300 volunteers contributed 20,000 hours last year and provided services in every department in the City.

The Library will be honoring volunteers on April 25.

Ms. Koepping and Ms. Stormont thanked the Mayor for the proclamation for Volunteer Month. They also noted the leadership of the City that recognizes the value of volunteers.

7. RECOGNIZE "TEAM TIGARD" AS THE OFFICIAL CITY OF TIGARD EMPLOYEE VOLUNTEER GROUP

City Manager Monahan presented the staff report and a PowerPoint presentation, which are both on file in the City Recorder's office.

Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-27.

RESOLUTION NO. 02-27 – A RESOLUTION RECOGNIZING "TEAM TIGARD" AS THE OFFICIAL CITY OF TIGARD EMPLOYEE GROUP

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

8. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 23 – O'MARA STREET  
AT CHELSEA LOOP

- a. Mayor Griffith opened the public hearing.
- b. Engineering Project Manager Greg Berry presented the staff report, which is on file in the City Recorder's office.
- c. Public Testimony
  - Martin Yedniak, 9090 SW O'Mara Street, Tigard sought clarification about the costs. Mr. Berry explained that the \$2335 amount was a connection fee, which is allocated to the cost of the treatment facility and the large diameter sewers; this is a one-time only capital cost. The bulk of this fee is collected for Clean Water Services. Mr. Yedniak said his concern was that this is a tough financial time for many and the estimates for this project was higher than expected. He requested the Council consider extending the timeframe within which a resident in this area could connect to the sewer under the program be extended for another year.

Mr. Berry confirmed that there is no requirement for connection, and if a property owner waits for 15 years to connect to the sewer, then they would not have to pay the reimbursement fee.

City Attorney Ramis explained it would be within the Council's discretion to take this matter up again in 12 months.

Discussion followed on what impacts a delay might have on other City projects. Mr. Berry advised that the "clock" for the three-year timeframe for signing up to connect to the sewer does not commence until the sewer is done. This project is scheduled to be completed in July; however, it could be scheduled for later this year and completed by October.

- Robert Fuller, 9130 SW O'Mara, received clarification concerning costs, which would include construction of the sewer in the street, pumping costs and the connection fee.
- Tony Fisher, 9240 SW O'Mara advised he initiated the process to obtain the sewerline in the neighborhood. He said that cost estimates seem to be higher than what was originally discussed. He said he was a contractor and said he thought the actual cost would be lower.

He also noted the septic systems would need to be decommissioned. He would like to improve his property and needs to have sewer to do so.

After discussion, Council consensus was that the Council would delay making a decision on this item and consider the next agenda item to allow the property owners time to discuss how they would like to proceed.

d. Mayor Griffith closed the public hearing.

e. Council consideration:

Mr. Berry reported that the neighbors present requested that the City go forward with bids for the project and that the project be delayed so that final acceptance would be considered by Council in October rather than July.

Council members indicated that this appeared to be a good compromise and directed that staff delay the construction as requested.

Motion by Councilor Dirksen, seconded by Councilor Scheckla, to adopt Resolution No. 02-28.

RESOLUTION NO. 02-28 -- A RESOLUTION ESTABLISHING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO 23 (O'MARA  
STREET AT CHELSEA LOOP)

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. UPDATE ON INTERNATIONAL RESOURCE CITIES PROGRAM – TIGARD  
AND WASHINGTON COUNTY EXCHANGE WITH SAMARINDA AND KUTAI,  
INDONESIA

City Manager Monahan and Finance Director Prosser presented the update to City Council. Copies of the staff report and PowerPoint presentation are on file in the City Recorder's office.

Mr. Monahan reviewed the Samarinda City and Kutai County government structure. Areas where assistance was requested included finance procedures, recycling, and

citizen participation. Indonesia is attempting to change from an entirely centrally located government to local government structures.

The water system was built in 1932. While in Indonesia, Mr. Monahan gave a presentation on water systems and the city and county indicated they would work together on this issue.

Mr. Monahan said that before they left a memorandum of understanding and a work program for the next 18 months was established in the following areas:

- training on citizen participation
- training in double-entry accounting
- cataloging revenue sources
- creating a solid waste recycling program

Representatives from Samarinda and Kutai will be coming to Tigard and Washington County within the next few months.

(Council considered the remaining Study Session items at the conclusion of this agenda item.)

#### 10. CONSIDER VISION ACTION NETWORK FUNDING REQUEST

Walt Peck of Washington County distributed information on the Vision Action Network to the City Council. A copy of this information is on file in the City Recorder's office.

Mr. Peck reviewed the scope of the Vision West project and the work of volunteers. A detailed description of the Vision Action Network is contained in the staff report, which is on file in the City Recorder's office.

Mr. Peck asked the Council to approve funding in the amount of \$2000 for the Vision Action Network.

Motion by Councilor Moore, seconded by Councilor Dirksen, to approve the funding request for Vision Action Network, which will be considered in the budget for the upcoming fiscal year.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes

Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. COUNCIL LIAISON REPORTS - None

12. NON AGENDA ITEMS – None

Business meeting recessed and Council reconvened into Study Session at 10:15 p.m.

➤ STUDY SESSION (Continued)

- The City Manager's performance review will be conducted at the end of next week's Council meeting. Council members will turn in their evaluation forms to the Mayor. The Mayor will summarize the results for discussion next week.
- City Manager reminded the Council of the joint meeting with the Tigard-Tualatin School Board and the Tualatin City Council next week. He described the room set up. The Student Asset Survey will also be discussed at this joint meeting. For preview, a copy of the survey was distributed to the City Council.
- Council will forward upcoming vacation plans to the City Recorder.
- Council was reminded of an upcoming "Back to School Week" event scheduled on May 2.
- City Manager Monahan suggested that Council leave their laptop computers with staff at the conclusion of the April 23 meeting. Network Services staff will do service work on the computers.

13. EXECUTIVE SESSION: Canceled.

14. ADJOURNMENT: 10:26 P.M.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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MINUTES  
TIGARD CITY COUNCIL WORKSHOP MEETING  
April 16, 2002

1. WORKSHOP MEETING

1.1 Call to Order - City Council

Mayor Griffith called the meeting to order at 6:34 p.m.

1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Patton, and Scheckla

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None

1.5 Call to Council and Staff for Non Agenda Items: None

2. JOINT MEETING WITH CITY COUNCILS OF TIGARD, TUALATIN AND THE  
TIGARD-TUALATIN SCHOOL DISTRICT BOARD

- Mayor Griffith welcomed all those in attendance.

- Introductions:

Tigard Council –

Mayor Griffith

Councilor Dirksen

Councilor Patton

Councilor Scheckla

Tigard-Tualatin School Board –

Al Hieb – Board Chair

Mark Chism, Board Vice-Chair

Carolyn Neunzert, Board member

Pat Biggs, Board member

Barry Albertson, Board member

Steve Lowder, School Superintendent

Susan Stark Haydon, Community Relations Director

Tualatin City Council --

Lou Ogden, Mayor

Tony Weller, Council President

Helen Cain, Councilor

Bob Boryska, Councilor

Chris Bergstrom, Councilor

Ed Truax, Councilor

Steve Wheeler, City Manager

- Discussion of Topics of Mutual Concern and Interest

- a. May/November 2002 Bond Items – *Review status.*

Steve Lowder, TTSD School Superintendent – distributed information on the school bond issue in May, which is on file in the City Recorder's office. Dr. Lowder reviewed key elements of the measure.

Councilor Patton presented an update on the New Library bond measure (Measure 34-47). She noted she is receiving positive responses about the proposal, but it will be critical to get 50 percent voter turnout in order to pass this money measure. Councilor Patton reviewed activities to discuss the new library with citizens.

Both Dr. Lowder and Councilor Patton noted the importance of both of these measures for the community. The next issue (May) of Cityscape will have an information piece on both measures.

b. Results of the Assets Survey – *Review the next steps.*

Mayor Griffith introduced this agenda item. Information was distributed, which is on file in the City Recorder's office.

John Morgan from the Washington County Commission on Children and Families was present and gave a PowerPoint presentation, which is on file in the City Recorder's office.

The results were discussed as was the need to get information to key staff members to integrate steps into processes including budgeting. Some actions, such as an “attitude shift” would not require financial aid.

What is next:

- Confirming what we already know
- Call to understand, affirm, and act
- Pacesetter projects include:
  - Tualatin Youth Advisory Committee
  - Tigard Mayor's Youth Forum Committee
  - Tualatin United Methodist/YWCA/Library Summer Program for apartment complex
  - Little things – Think Kids & Assets First!

c. Youth Activities – *How to coordinate?*

- Mayor Jim Griffith's Youth Forum

Mayor Griffith reviewed the status of the Youth Forum in Tigard. He said 80 kids are participating in an after-school program and Tigard is

looking forward to expanding to accommodate more participants. Forum members are attempting to find sponsors to provide food items.

- Tualatin's Youth Council

Mayor Ogden noted the City of Tualatin has made several attempts to launch a youth program. He asked for advice on how to engage people to become active on the forum – what makes it work and how does this translate to an after-school program?

Ms. Stark Haydon responded that the Commission on Children and Families provided a grant for this after-school program at Twality Middle School. Tigard staff provide some support to the Tigard Youth Forum (City Manager Monahan and Assistant to the City Manager Newton), which got its start, initially, as a program offered during the school Christmas break one year. Assistant to the City Manager Newton added that the Youth Forum members did not bring any preconceived ideas to the table. The Forum membership is comprised of a variety of community representatives including those from churches and youth service providers. Ms. Newton referred to a "white paper" created, soon after the Forum was established, to identify the challenges and to put all the pieces together.

- Skateboard Parks – Tualatin's Success; Tigard's Present Effort

Mayor Griffith noted this item, in the interest of time, would not be discussed. He said that the City of Tualatin has a successful skateboard park and Tigard is working on developing a park of its own.

- c. Tri-Met Bus Service – *Are there improvements needed to bus routes that would further our collective efforts?*

Mayor Griffith cited the needs Tigard has brought forward to Tri Met for improvements to Tigard service.

Community Development Hendryx noted staff has been gathering data for critical populations, corridors that need service, and businesses service needs. Staff will share this information with Tri Met. Staff is also reviewing the City's infrastructure to accommodate concerns of Tri Met; i.e., where are sidewalks needed. Tri Met has been cooperative in conversations with Tigard.

Mayor Ogden said that Tri Met service for Tualatin basically serves riders who need to travel to downtown Portland. Tri Met does little for the City of Tualatin. There is a shuttle service managed by the Chamber of Commerce, which has lost about \$25,000 over the last five years. Tri Met does not service the suburbs even though the issue has been brought up and discussed several times in recent years. Mayor Ogden said he salutes what Tigard is doing, but wonders whether Tigard will actually see any results. The Tualatin business community, per Mayor Ogden, would be the group that may push for secession from Tri Met.

Mayor Griffith noted the number of jobs in Washington County is as great as the number in Portland's downtown area.

Mayor Ogden said that he is not being critical of Tri Met, as he has come to realize that Tri Met must make business (financial) decisions on how to provide services.

- d. The Tualatin-to-Tigard Pedestrian Bridge – *What is the outlook for Federal funding?*

Mr. Wheeler noted the last activity regarding the bridge occurred a couple of months ago when they were told there might be money available for this project. County officials asked for and obtained information from Tigard and Tualatin. Nothing has been heard since then. This bridge would be part of the greenway connection project and it would be good linkage for Tualatin, Tigard and Durham.

- e. School District Property – *What is the potential for coordinated use?*

Mayor Griffith introduced this item.

- Rider Property – Joint use by Tigard for a water reservoir with play field.

Tigard Public Works Director Wegner said discussions on joint uses of this property began about two years ago. A preliminary study has been done and the school district has asked if Tigard would be ready to build when the school bond passes. Mr. Wegner said the City could be ready by switching some priorities. The needed construction would take about two years to complete and the fields would be ready when the school is done.

- Avery Property – Potential for Joint Use with City of Tualatin

Dr. Lowder noted there have been preliminary discussions about a joint venture with the City. Mr. Wheeler said this has been a long-term discussion and the City is open to joint uses of this property.

Tualatin Councilor Bergstrom asked about the long-term use of the Tualatin Elementary School. Dr. Lowder said the building would likely be replaced and the district is exploring other uses at this location, such as the magnet school. It was noted that this property has historical significance to some Tualatin residents.

- Other Properties – Potential investment by cities?

Mr. Wheeler said that a facility visioning process is underway in Tualatin and the city may look to the school district for potential joint use of school properties.

Mayor Griffith said the Tigard skateboard committee is looking at a Fowler site as a potential park location.

Dr. Lowder said the old district administration building, near C.F. Tigard Elementary, would be expensive to refurbish. The school district has not decided what to do with this property.

- f. DARE Programs – *Changes planned for the coming school year as the District complies with grant funding requirements.*

Ms. Stark Haydon said the district has a federal grant for \$100,000 for tobacco education. One of the requirements of this grant is to provide a fifth grade curriculum that is an “approved program” and DARE is not “approved.” The district needs to find an accepted program. Currently the district is looking at how to make it work with DARE and another curriculum.

There was discussion about why DARE is not an approved program because of some “political” challenges. Tualatin Chief Winegar noted that DARE does not have statistics to demonstrate that the program is successful. DARE advocates are working toward getting on the “approved list”; however, the timing of when approval will be forthcoming is not known. Dr. Lowder noted that the district is hoping to have SRO’s teach a similar program, but this does not appear to be as straightforward an undertaking as they first thought it would be since program administrators want their curriculums to be taught as a whole – not just segments of the program. This matter needs to be addressed so that a program is in place by next school year.

- h. Other agenda items.

Tualatin will host the next joint meeting in about six months. The City Council and Board members decided it would be beneficial to hold a joint meeting twice a year.

Recessed: 8:05 p.m.

Reconvened: 8:20 p.m.

### 3. COMMUNICATION PLAN UPDATE

Assistant to the City Manager Newton reviewed this agenda item and staff report, which is on file in the City Recorder's office.

Ms. Newton reviewed the communication efforts. She said CIT attendance is declining and fluctuates depending on agenda topics. She advised staff would like to pre-tape the June, July, August and September meetings during the day and cablecast the meetings later. This would allow the city to present an expanded array of programming because the taping could be stopped and started to add different types of productions; such as interviews, educational pieces, candidate forums, etc. Staff will update Council in October about whether this change was a success. Ms. Newton advised there would be an opportunity for citizens to give input.

Other highlights in Ms. Newton's report were:

- advised that the City's Communication Plan is being updated
- most press releases from the City are being picked up by the media
- soon there will be an ad on the City's website asking for people to consider becoming a Community Connector
- a contract was signed with Tualatin Valley Community Access (TVCA), which means that broadcasts may be available soon for hearings officer and planning commission meetings
- the City's new web page was ready in January; there were 782 average daily hits in March
- the Goal Guide continues to be published quarterly
- TVCA will have new bulletin board software installed by the end of April

City Recorder Wheatley reviewed the proposed new Cityscape format, which included adding photos and two-color printing. After brief discussion, Council consensus was to move forward with the new format with photos and two-color print.

### 4. REVIEW COST-OF-SERVICE STUDY FOR PLANNING FEES

Community Development Planning Manager Dick Bewersdorff gave the staff report and presented PowerPoint slides, which are on file in the City Recorder's office. Financial Operations Manager Tom Imdieke and Chris Bell (a representative from Merina & Company) were present to answer questions.

The question before Council was to determine the rate of fee recovery for planning services.

After discussion, Council direction was as follows:

- Council is interested in reviewing a rate structure that would recoup, at a minimum, the cost of service for specific project items, including an amount for overhead and salaries.
- Another option Council would like to review is for a range to be established for charges that would be imposed (from a simple administrative review and approval charge to what charges would be needed to cover the cost of appeals). Council asked staff to verify if the comparisons between other jurisdictions are an “apples-to-apples” comparison.
- Council agreed that any rate structure should be tied to a consumer price index for periodic adjustment.

Also, it would be proposed that fees be adjusted in the Washington County Urban Growth Boundary to recover costs for projects that Tigard oversees.

## 5. UPDATE ON THE LONG-RANGE PLANNING DIVISION PROGRAM

Community Development Director Hendryx and Planning Manager Shields presented the staff report on this agenda item. The staff report and charts reviewed are on file in the City Recorder’s office.

Staff noted that work from all three tiers (Council goals; state, federal and regional programs and mandates; and ongoing research) can be accomplished if priorities are assigned.

Council reviewed Council goals, with the consensus being as follows for the three goals that need the most work (the Tri Met goal is 70% complete and the affordable housing goal is well underway and staff will have an action plan for Council in August or September):

Highest priority: Downtown/Commuter Rail

Second priority: Washington Square Regional Center Implementation Program (once Beaverton and Washington County have completed their hearings).

Third priority: Bull Mountain annexation; however, the polling of citizens for Bull Mountain and Tigard should be done soon so Council will have information to determine whether the question of annexation should be placed on the November 2003 ballot.

6. CITY MANAGER PERFORMANCE REVIEW – set over the April 23, 2002 Council meeting.
7. COUNCIL LIAISON REPORTS - None
8. NON-AGENDA ITEMS: None
9. EXECUTIVE SESSION: Canceled
10. ADJOURNMENT: 9:59 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
April 23, 2002

- STUDY SESSION

- Meeting was called to order at 6:30 p.m.
- Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla (arrived at 6:34 p.m.)

- > UPDATE ON RANDALL GRANT PROGRAM

Assistant to the City Manager Newton updated the Council on this agenda item and referred to her April 15, 2002, memorandum, which is on file in the City Recorder's office. Ms. Newton reviewed grant activity.

The Randall Grant Program contract expires on June 12, 2002. Ms. Newton is reviewing options with the Randall Company should the City decide not to renew the contract. One option under discussion is that Randall will continue to work with Tigard after the contract expires to secure grants for Tigard without the City spending additional funds. More information on options will be coming from Randall next week.

- > UPDATE ON WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICE (WCCLS) PROPOSED LOCAL OPTION LEVY

Library Director Barnes and Finance Director Prosser were present to update Council on this agenda item. Council concerns had been brought up previously about including funding for the Regional Arts and Culture Council (RACC) with the WCCLS funding proposal to be submitted to voters. An April 22, 2002, letter from Charles Cameron, Washington County Administrator was distributed to Council. The letter offers background and an explanation regarding including RACC funding with the WCCLS levy proposal. Discussion followed with staff noting that they are comfortable with the explanation offered. The next issue to be worked through is the formula for distribution of funds of members of WCCLS.

Staff asked for direction on the rate amount that will be requested in the ballot measure. Staff advised they would recommend a rate-based levy. It was noted that in order to maintain the threshold of current services the requested levy would need to be 17 cents per \$1,000 of assessed value. After discussion,

Council advised they would support 25 cents per \$1,000 of assessed value, with 26 cents as the largest amount that they would support.

- > CITY MANAGER'S PERFORMANCE REVIEW (This item was reviewed by the City Council after the Business Meeting.)
- > ADMINISTRATIVE ITEMS – The following items were announced or discussed as noted:
  - City Attorney tonight will be Steve Crew
  - Sorg Rhododendron Garden Dedication will be held on Wednesday, May 8, at noon. Mayor Griffith will attend and other Council members may attend (depending on their schedule)
  - Shining Stars Banquet will be held on Friday, April 26, at the Greenwood Inn. Information was distributed listing the City's contributions to the fund-raising auction.
  - Arbor Day Celebration will be held on Friday, April 26, 1-2 p.m. – Templeton Elementary School, 9500 SW Murdock, Tigard.
  - Budget Committee Meetings are scheduled as follows:
    - May 6 – Tigard Water Building – 6:30 p.m.
    - May 13 – Tigard Water Building – 6:30 p.m.
    - May 20 – Tigard Water Building – 6:30 p.m.
    - May 29 – Red Rock Creek Conference Room – 6:30 p.m.
  - A "Chronology for Tigard Candidate Elections" – November 02 was distributed to Council.
  - Senn Property Update: City Manager Monahan advised that a several-acre piece of property in northern Tigard may be purchased entirely by Metro dollars for greenspaces. Mr. Monahan asked Council whether they think they would be supportive of entering into an intergovernmental agreement to maintain the natural area and for drainageway preservation? Also, would the Council be supportive of the property being named after a member of the Senn family. Council members indicated they would be supportive in both the questions stated above.
  - Police Memorial Service will be held on Friday, May 17, 10 a.m., in the Water Building
  - An April 23, 2002, letter from Brian Wegener of the Tualatin Riverkeepers regarding issues with the Wall Street Extension Local Improvement District was distributed to the City Council. After discussion, Council agreed that a letter should be sent to Mr. Wegener acknowledging his letter and explaining the Local Improvement District formation process, which will include an opportunity to raise objections for consideration.

- An April 18 letter from Sherry Eisenbach, regarding "hazard tree at SW 117<sup>th</sup> Place & SW Bull Mountain Road" was distributed to Council. Also distributed was a memorandum dated April 23, 2002, from Matt Stine to Ed Wegner about the hazard tree. Staff will follow up with Ms. Eisenbach.

Study Session recessed at 7:12 p.m.

- EXECUTIVE SESSION: Canceled

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board  
Mayor Griffith called the meeting to order at 7:35 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.3 Call to Council and Staff for Non-Agenda Items: None

Mayor announced the Council would reconvene into Study Session after the Business meeting.

Agenda Item Nos. 10 and 11 would be reordered, so that the Council would hear Agenda Item No. 11 first.

2. PROCLAMATIONS – Mayor Griffith proclaimed the following:

- 2.1 NATIONAL POLICE WEEK & NATIONAL POLICE MEMORIAL DAY
- 2.2 BE KIND TO ANIMALS WEEK

3. VISITOR'S AGENDA (Two Minutes or Less, Please)  
No visitors.

4. CONSENT AGENDA: Motion by Councilor Patton, seconded by Councilor Scheckla, to adopt the Consent Agenda as follows:

- 4.1 Approve City Council Minutes: February 19, 26, March 12, 2002
- 4.2 Receive & File:
  - a. Council Goal Update – First Quarter 2002
  - b. Annual Solid Waste Financial Report Findings
- 4.3 Renew Intergovernmental Agreement for Access to the Portland Police Data System and Authorize Mayor Griffith to Sign the Agreement
- 4.4 Approve an Intergovernmental Agreement with the Watermaster of District 18 to Perform Flow Monitoring of Summer Creek at the Summerlake Area

- 4.5 Authorize the Issuance of a Bond Anticipation Note to Provide Interim Financing for the Dartmouth Street Improvement District – Resolution No. 02-29
- 4.6 Local Contract Review Board:
- a. Award Contract for the Construction of Errol Street & Fonner Street Sanitary Reimbursement District No. 21 to Dunn Construction, Inc.
  - b. Award Contract for the Construction of Howard Drive Sanitary Sewer Reimbursement District No. 22 to Dunn Construction, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

5. UPDATE FROM THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE (NTLCC)

Library Director Barnes and Vice Chair of the NTLCC presented an update to the Council. Also present from the NTLCC were Kathy Sleeper and Curtis Tigard.

Mr. Hoklin reported that about 50 people attended the March 5 site-review meeting. He said he was impressed with the questions and points citizens raised about the site and the library concept. Comments were generally about the opportunity for environmental education; the potential for a park-like setting for the library (possible extension of the Fanno Creek Park); transportation issues; wetland concerns; and general questions about site development. Mr. Hoklin stressed that the public has been involved throughout this process.

Two informational videos, produced by staff, are airing on the Tualatin Valley Community Access channels. The videos illustrate what the project is all about and gives good background about the role of the library in the community. Mr. Hoklin complimented Ms. Barnes and staff for their efforts to inform the public about the proposed new library. It's estimated that about 5,000 people have had the opportunity to view the library model.

Councilor Patton also thanked the City Council members for their continuing support for the proposed new library.

6. REPORT ON POLICE ACCREDITATION

Police Chief Ron Goodpaster introduced this agenda item. Captain Gary Schrader presented the staff report and a PowerPoint slide presentation, which are on file in the City Recorder's office. Council members indicated support of the accreditation process. Captain Schrader advised Tigard Police Department will apply for accreditation in a few months.

Chief Goodpaster thanked the Mayor for the proclamation read earlier in the meeting regarding National Police Week and National Police Memorial Day. A Police Memorial Service will be held on Friday, May 17, at 10 a.m. in the Tigard Water Building. The public is invited to attend.

7. UPDATE ON PORTLAND GENERAL ELECTRIC (PGE) AUDIT AND FUTURE UTILITY AUDITS

Finance Director Prosser presented the staff report, which is on file in the City Recorder's office. Mr. Prosser gave the background about how the audit came about. He acknowledged PGE for their cooperation throughout the audit. The audit findings showed that 21 cities were underpaid \$3.3 million; 3 cities were overpaid. Tigard was underpaid and will receive a check in the amount of \$310,746.

Mr. Prosser reviewed his recommendation for how this money should be utilized. (See memorandum of April 12, 2002, on file in the City Recorder's office). Council consensus was in agreement with staff's recommendations for use of these funds and to forward these recommendations for consideration during the budget meetings. Also discussed was adding ½ of 1 percent of the amount collected to the Social Services allocation.

Next to be considered for audits will be Qwest and Verizon. Qwest withheld its franchise fees (about \$50,000/year). Mr. Monahan suggested that it would be appropriate for the City to send a letter to Qwest that they are in violation of their franchise agreement.

8. UPDATE ON FISCAL YEAR 2002/03 BUDGET PROCESS

Finance Director Prosser presented the staff report and referred to an April 9, 2002, memorandum on the budget process; both of which are on file in the City Recorder's office. Mr. Prosser advised the proposed budget would be distributed next week. Budget Committee meetings are scheduled for May 6, 13, and 20 at 6:30 p.m. in the Tigard Water Building. If necessary, a fourth budget committee is tentatively

scheduled for May 29 at 6:30 p.m. in the Red Rock Creek Conference Room at Tigard City Hall.

City Council will hold a public hearing for budget adoption on June 11. The budget will take effect on July 1, 2002. City Manager Monahan noted that this has been a more difficult process for City departments in that they were asked to prepare budgets to indicate how budget requests could be reduced up to 5 percent. It was noted that a strong financial plan has been in place for the past 25 years which has guided the City. All City Departments were commended for their efforts.

9. REPORT ON TIGARD'S DESIGNATION AS A "TREE CITY USA" AND REVIEW OF ACTIVITIES SCHEDULED FOR ARBOR DAY ON APRIL 26, 2002

Public Works Director Wegner introduced this agenda item. He reviewed Council of significant steps taken by the City since 1998 when the goal was to plant 2000 trees in the City of Tigard by the year 2000. In 1999, that goal was exceeded by 1000 trees. It has also been a goal of the City to establish an urban forestry plan, which has been accomplished with the hiring of Matt Stine.

Matt Stine announced that The National Arbor Day Foundation designated the City of Tigard as a Tree City USA. One of the requirements of a Tree City USA is to have a tree ordinance in place. A proposed ordinance has been drafted and will be forwarded to the City Council for consideration in the near future. Highlights of Mr. Stine's presentation are on file in the City Recorder's office.

Mayor Griffith proclaimed April 26, 2002, as Arbor Day. A copy of the proclamation is on file in the City Recorder's office.

10. CONSIDER AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH THE TUALATIN BASIN NATURAL RESOURCES COORDINATING COMMITTEE

Planning Manager Barbara Shields introduced this agenda item and Associate Planner Duane Robert presented the staff report. A copy of the staff report is on file in the City Recorder's office. The issue before Council was whether the City should enter into an agreement with other Washington County jurisdictions and special districts to jointly develop a protection program for Metro-identified natural resources sites located within Washington County.

Motion by Councilor Moore, seconded by Councilor Dirksen, to enter into the Intergovernmental Agreement as proposed.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. UPDATE TO COUNCIL ON THE BUTTERFLY GARDEN AT COOK PARK

Public Works Director Wegner introduced this agenda item. Property Manager John Roy presented the staff report and a PowerPoint presentation, both of which are on file in the City Recorder's office. Mr. Roy commented on the bequest from Kristine Tupling, which was utilized for development of the Butterfly Garden. A ribbon cutting ceremony and presentation of a plaque dedicating the Butterfly Garden will be conducted on June 16, 2002.

12. COUNCIL LIAISON REPORTS: None

13. NON AGENDA ITEMS: None

➤ STUDY SESSION CONTINUED – CITY MANAGER'S REVIEW

Mayor reviewed a summary of the combined comments of City Council on the evaluation form.

Mayor summarized the overall viewpoint of Council noting that the City Manager is doing an excellent job for the City of Tigard. He noted the positive steps taken by the Manager in the last year for focusing more on the long-range efforts rather than the day-to-day details. Mayor noted that the Council would like for the Manager to continue to delegate responsibilities to departments.

Mr. Monahan commented on the future noting that the first priority is to get the library bond measure passed, which will then make it possible for the City staff and Council to make other important decisions. He noted, with regard to budgeting, there are a number of unknowns. He reviewed several areas that are being monitored. He said the City needs to prepare for a likely ballot measure requesting voters approve an operating levy in November 2004. He spoke of succession planning that has been discussed by the Executive Staff for key positions in the City of Tigard. Also discussed were retirement plans currently in place.

There was discussion about management staff total compensation. A management compensation analysis has been completed. City Manager Monahan requested Council review this information as well as the Management COLA data at a special meeting. Council consensus was to meet at 5:30 p.m. on Monday, May 6, 2002, to discuss the management compensation information. Also to be reviewed will be information on an alternative option to be offered to Department Heads for long-term care insurance rather than life insurance.

Consensus of Council was to enter into a four-year contract with the City Manager. The proposed contract will be submitted to Council for review and approval on May 14, 2002.

- City Manager Monahan reviewed the upcoming (April 26, 2002) Chamber of Commerce Shining Stars Banquet. All Council members and several staff member will attend.

14. EXECUTIVE SESSION: Canceled.

15. ADJOURNMENT: 10:00 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

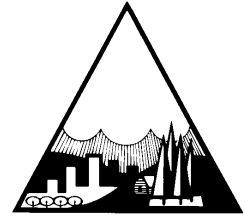
\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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**MEMORANDUM**  
**CITY OF TIGARD, OREGON**



**TO:** Mayor and Council  
**FROM:** Greer Gaston  
**DATE:** May 6, 2002  
**SUBJECT:** Three Month Council Calendar

Regularly scheduled Council Meetings are marked with an asterisk (\*).

**May**

6	Mon	Special Meeting – 5:30 p.m. Water Building Auditorium Budget Committee Meeting – 6:00 p.m. Water Building Auditorium
13	Mon	Budget Committee Meeting – 6:00 p.m. Water Building Auditorium
14 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
20	Mon	Budget Committee Meeting – 6:00 p.m. Water Building Auditorium
21 *	Tues	Council Workshop Meeting – 6:30 p.m.
27	Mon	Memorial Day Holiday – City Offices Closed
28 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

**June**

9 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
16 *	Tues	Council Workshop Meeting – 6:30 p.m.
23 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

**July**

4	Thurs	July 4 <sup>th</sup> Holiday - City Offices Closed
9 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
16 *	Tues	Council Workshop Meeting – 6:30 p.m.
23 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

Tigard City Council  
Tentative Agenda

Agenda Item No. 4.2b  
Meeting of 5/14/02

5/21/02 - Workshop	5/28/02 - Business TV -Greeter	6/11/02 - Business TV -Greeter
Due: 5/7/02 @ 5 p.m.	Due: 5/14/02 @ 5 p.m.	Due: 5/28/02 @ 5 p.m.
<b>Workshop Topics</b>	<b>Study Session</b>	<b>Study Session</b>
Annexation Policy - Non-Island Annexations	Exec Session - Current/Potential Litigation -	
Jim - 45 min. (added at the 4/16 Exec. Staff meeting - need Blue Sheet please)	Tom - 20 min	
Update on Highway 217 Study - Barbara - 15 min		
	<b>Consent Agenda</b>	<b>Consent Agenda</b>
	Approve Contract Accepting CDBG - Duane & Dan	
	Dedication Butterfly Garden - <b>RES</b> - John	
		<b>Business Meeting</b>
		Rescind Chapter 11.05 of TMC - Residual
		Solic Waste Ord - Tom - 15 min
		Capital Improvement Program - Gus - 10 min
	<b>Business Meeting</b>	Blue Sheet needed.
	Planned Development Amendment -	TMC Title 7 Criminal Code Amendment - <b>ORD</b>
	ZOA2002-00001- <b>PH-ORD</b> -Morgan - 15 min	Craig/Nadine - 5 min
	VAC2002-C0001-68th@ Atlanta ROW Vacation- <b>PHQJ</b> - <b>ORD</b> - Matt - 10 min	Budget Adoption (Blue Sheet)
	VAC2001-C0003 - Dartmouth Street @ 69th Ave ROW Vacation - <b>PHQJ</b> - <b>ORD</b> - Matt - 10 min	Planning Fees Adoption - <b>Res (amending master fees resolution)</b> Jim/Craig
	Amend Ord 96-09 & Add Section 35 - <b>LCRB</b> - <b>ORD</b> - Craig/Terry - 10 min	Blue Sheet needed.
	City/Metro Joint Title & Greenspaces Mgmt. Agreement - Dan/Duane - 10 min	Adopting the Budget, Making Appropriations, Declaring a Valorem Tax Levy - <b>PH - RES</b> -
		Craig - 20 min
		Services for State Shared Revenues - <b>PH - RES</b> - Craig - 5 min
		5 Year Intefund Loan to Finance City Share of 69th Ave LID - <b>RES</b> - Craig - 5 min
		City's Election to Receive State Revenues - <b>PH-ORD</b> - Craig - 5 min
SI = standing item		TMC Title 15 Streets & Excavation Amendment
I:/adm/greer/tentatv ag/tentative.xls		Excavation - Gus - 10 min - <b>Blue Sheet</b>

# Tigard City Council Tentative Agenda

[illegible]

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF May 14, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adoption of a Revised Fixed Asset Policy

PREPARED BY: Tom Imdieke DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Shall the City Council adopt a revised Fixed Asset Policy to go into effect July 1, 2002 that would raise the capitalization threshold from \$2,500 to \$5,000.

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STAFF RECOMMENDATION

Staff recommends adoption of a revised Fixed Asset Policy to assist in implementation of a new governmental reporting standard, Governmental Accounting Standards Board (GASB) Statement No. 34.

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INFORMATION SUMMARY

The purpose of a fixed asset policy is to set guidelines for tracking and controlling the City's capital assets. The policy defines what a fixed asset is and describes the categories in how they are tracked, i.e., Land, Buildings, Vehicles, Office Equipment, and Operation Machinery & Equipment. It outlines the complete procedure of recording fixed assets starting when the item(s) are purchased to the deletion and disposing of surplus City property. The current City policy was formalized and adopted in January, 2000. Before then, the City had been using an internal procedure that was in place since the early 1990's.

In 1999, the Governmental Accounting Standards Board issued Statement No. 34 which established a whole new financial reporting framework and reporting model that impacts how fixed assets are recorded and reported. This new model has significant impact on the extent of how local governments will be required to report capital assets on their financial statements. The new model will even require that governments report general infrastructure assets that were previously not included in governmental financial statements.

Soon after the issuance of the new reporting standard, the Government Finance Officers Association (GFOA) adopted a recommended practice that advised governments of all sizes not to establish capitalization thresholds of less than \$5,000. The City's current capitalization threshold is \$2,500. By adopting the recommended GFOA recommended practice, the City can reduce the cost of complying with the new capital asset reporting model and not adversely affect the quality of the City financial reporting. A "red-lined" copy of the existing policy is attached indicating the change to \$5,000.

The City will be required to meet the new reporting standard by June 30, 2003.

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OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

Resolution to adopt a revised Fixed Asset Policy and Exhibit A.

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FISCAL NOTES

No fiscal impact.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-\_\_\_\_\_

A RESOLUTION TO ADOPT A REVISED FIXED ASSET POLICY TO BE EFFECTIVE JULY 1, 2002

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WHEREAS, the City of Tigard is in need of a Fixed Asset Policy to set guidelines in tracking and controlling the City's capital assets, and

WHEREAS, in June 1999, the Governmental Accounting Standards Board (GASB) issued Statement No. 34, Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments, and

WHEREAS, this new statement established a whole new financial reporting framework and reporting model that impacts how fixed assets are recorded and reported, and

WHEREAS, the Government Finance Officers Association (GFOA) has adopted a recommended practice that advises governments of all sizes not to establish capitalization thresholds of less than \$5,000, and

WHEREAS, by the City of Tigard adopting the GFOA recommended practice, the City can reduce the cost of complying with the capital asset reporting provisions of GASB Statement No. 34 without adversely affecting the quality of the City's financial reporting, and

WHEREAS, the City of Tigard will be required to meet the new reporting standard by the end of Fiscal Year 2003.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Fixed Asset Policy, attached hereto as Exhibit A, is hereby adopted.

EFFECTIVE DATE: July 1, 2002

PASSED:            This \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

RESOLUTION NO. 02-\_\_\_\_

## **Exhibit A**

### **CITY OF TIGARD FIXED ASSET (CAPITAL ASSET) MANAGEMENT SYSTEM**

#### **PURPOSE:**

The purpose of the fixed asset management system is to:

1. Control City capital assets by assigning accountability and responsibility to specific departments.
2. Provide documentation of equipment loss to the insurance companies in the event of losses due to fire or theft.
3. Provide information such as depreciation and obsolescence needed for City's enterprise funds (Water, Sewer, and Storm Drain).
4. Provide budget information for capital replacements and additions.
5. Provide information of all City equipment and thereby avoiding duplication of equipment.
6. Provide a list of all assets and their values to assure that capital assets are properly insured.

#### **DEFINITION OF FIXED ASSETS:**

In order for expenditure to be considered a Fixed Asset, a few tests need to be passed. Expenditure must meet all the following criteria.

1. The cost of the asset must be equal to or greater than ~~\$2,500~~\$5,000 effective July 1, 2002. Cost is defined as all charges necessary to prepare the asset for rendering service(s).
2. The useful life of the item must be greater than one year.
3. The expenditure is complete in and of itself.
4. The expenditure does not lose its identity or become a component of another item.
5. The transaction falls into one of the following categories:
  - a) Original acquisition that constitutes a new capital asset to City of Tigard. This asset can be acquired through purchase or new construction;
  - b) Expansion or improvement that adds to or improves the function use of the existing capital asset and for which the benefit will be received for a significant time over the life of the asset. The cost of the improvement should be significant in relation to the cost of the asset;

- c) Rehabilitation or Replacement – a replacement or major construction that extends the full useful life of the existing capital asset or so the asset can provide a broader range of services. This can represent either total or partial replacement.

#### SPECIFIC FIXED ASSET CATAGORIES:

#### ACCOUNTS

1. Land and Improvements (original cost, filling, grading, drainage, legal costs)	701000
2. Buildings and Improvements (original cost, plus additions)	702000
3. Vehicles (includes equipment that is licensed for the highway)	703000
4. Office Equipment (cost plus freight and installation)	704000
5. Operation Machinery and Equipment (cost plus freight and installation)	706000

#### ASSETS NOT CONSIDERED FIXED ASSETS:

1. Repairs or maintenance of equipment.
2. Cash and securities
3. Public Works stock inventory
4. Equipment and tools costing less than \$2,500
5. Materials to be consumed in operation and maintenance, such as chemicals, automotive parts, etc.

#### PROCEDURE OF RECORDING FIXED ASSETS:

Additions: During the fiscal year, the Finance Department will record fixed asset additions after invoices are paid. Items will then be tagged with a property ID number.

Deletions: All departments are to notify the Finance Department by filling out the “RFA-Removal of Surplus Items” form when fixed assets are ready to be sold, traded-in, sent to the State for auction or discarded. The City Manager shall approve all items before item leaves the City premises.

#### Adjustments:

1. Transfers: This type of adjustment record’s intra-City transfers of assets, as well as changes of information relating to the asset(s). Surplus assets will remain in storage until it is determined that: (a) the asset is to be transferred to another department; (b) the asset is sold; or (c) the asset is otherwise disposed of.
2. Other Adjustments: All other adjustments to fixed assets.

#### PROCEDURE FOR PROPERTY DISPOSTION:

The following procedures is to be followed by departments in disposing of surplus City personal property:

1. Personal property owned by the City may be disposed of only after being declared surplus by the City Manager or designee (Tigard’s AR 60.00)



2. If existing personal property is being replaced by new, it should be traded-in on the new equipment. The only exceptions for not trading in the old personal property are;
  - a) It is of more value to another City department and will be used by that department.
  - b) It can be sold for substantially more money than offered by the trade-in.
  - c) A vendor won't accept it because of either no value or the City is buying on a state contract that does not allow for trade-ins.
3. If the surplus equipment is not traded in:
  - a) The responsible department should complete the "RFA – Removal of Surplus Items" form and forward it to the Finance Department.
  - b) The surplus will then be put into storage and the Finance Department will then offer the item(s) to the other City departments by listing it on the Intra-Net.
  - c) The Finance Department will be responsible for final disposal of surplus by sending it to the State of Oregon Property Distribution Center for auction or completing one of the below options "(d), (e), or (f)".
  - d) The City may sell personal property per AR 60.015 and 60.020. The Department disposing of the surplus will work with the Finance Department for completing this process according to the Administrative Rules.
  - e) The City may donate personal property per AR 60.025.
  - f) The City may trade personal property per AR 60.030.
  - g) The Finance Department will make the appropriate bookkeeping entries in the Fixed Asset records of all additions, deletions and adjustments.

#### PROCEDURE FOR PHYSICAL INVENTORY:

The physical verification of the City's Fixed Assets is very important for audit reports, the insurance agent in determining the adequacy of the City's insurance program and to the Finance Department in administering accountability and control of City property.

The procedure for taking the physical inventory is as follows:

1. Each department will appoint a fixed asset custodian. Each custodian will be responsible for periodic inventories of assets and the overall management of the department's fixed assets.
2. Periodically the Finance Department will send to each department the listing of the departmental equipment.
3. The information on the listing of each asset should be reviewed. Incorrect information should be marked and correct information or additional information should be noted on the listing.
4. Once the inventory has been completed, the inventory listing shall be returned to the Finance Department with the department head signature. This certifies that the inventory was taken and the listing is correct as noted

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF May 14, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Council Consideration of City Manager's Contract

PREPARED BY: William A. Monahan DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Shall the City Council renew the City Manager's contract for a term of four years from May 15, 2002 through May 15, 2006 accepting the terms included in the Employment Agreement prepared by the City Attorney?

STAFF RECOMMENDATION

Staff recommends that the Council review the terms of the Employment Agreement and determine if the City Manager should be granted a new contract for a four-year term.

INFORMATION SUMMARY

The City Council entered into an Employment Agreement with the City Manager in February, 1998, which provided for a four-year term through May 15, 2002. Annually the City Council conducts a performance review of the Manager and determines what changes, if any, are needed to the Agreement and the Manager's compensation. The annual review of the Manager was conducted in April with the Council deciding to enter into a new Agreement for an additional four-year term. The City Attorney was directed to review the contract and prepare an updated agreement incorporating salary adjustments made during the life of the Agreement and adding the terms of the Addendum agreed to in July, 2001, and any changes deemed necessary to insure the legality of the Agreement.

The City Attorney has prepared an Agreement with a term from May 15, 2002 through May 15, 2006 which is before the City Council for consideration.

OTHER ALTERNATIVES CONSIDERED

Do not consider a new Employment Agreement for the City Manager.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

NA

ATTACHMENT LIST

Proposed Employment Agreement with the City Manager.

FISCAL NOTES

The salary and benefits of the City Manager position are budgeted under the existing city budget. Any changes to the salary and benefit package of the City Manager will be determined through the City budget process during the life of the Agreement.

I:\ADM\PACKET '02\20020514\04.4 CITY MANAGER'S CONTRACT AIS.DOC

Agenda Item No.: 4.4  
Meeting of: May 14, 2002

## City Manager's Contract

will be available in hard copy by Tuesday, May 7, 2002

Contact the City Recorder's Office at 503-639-4171  
for more information

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE CDBG Grant Award

PREPARED BY: D. Roberts, D. Plaza DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Should Council authorize the Mayor to sign an agreement accepting \$140,400 in Community Development Block Grant (CDBG) funds to develop a new neighborhood park on city-owned land located along Bonita Road?

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STAFF RECOMMENDATION

Authorize the Mayor to sign the agreement accepting the grant funds.

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INFORMATION SUMMARY

In 1999, Council approved the submittal of a request for CDBG funds to partially finance the development of a neighborhood park serving the residents of three low-income apartment complexes located along Bonita Road. The CDBG program operates on a three-year funding cycle. The City recently was notified that the City park project has been picked for 02-03 funding. According to the local Community Action Agency representative who commented on this project: "Children [living in the apartments] play in the parking lots on a sunny day because they have no other place to go. The families struggle to meet their basic needs. They are without the resources to provide recreational opportunities for their children. The proposed park would provide these opportunities and improve the quality of life for these children." The project is identified in the Tigard Park System Master Plan and in the Tigard Beyond Tomorrow Community Vision.

A copy of the contract has been forwarded to the City Attorney for legal review. The contract is the standard document used for previous CDBG grant funds awarded to the City.

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OTHER ALTERNATIVES CONSIDERED

None considered.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Urban & Public Services Goal #2 "Open space and greenway areas are preserved and protected." Action Plan includes: "Develop Bonita Park Phase I with CDBG Grant."

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ATTACHMENT LIST

Attachment #1: Map of proposed park site.

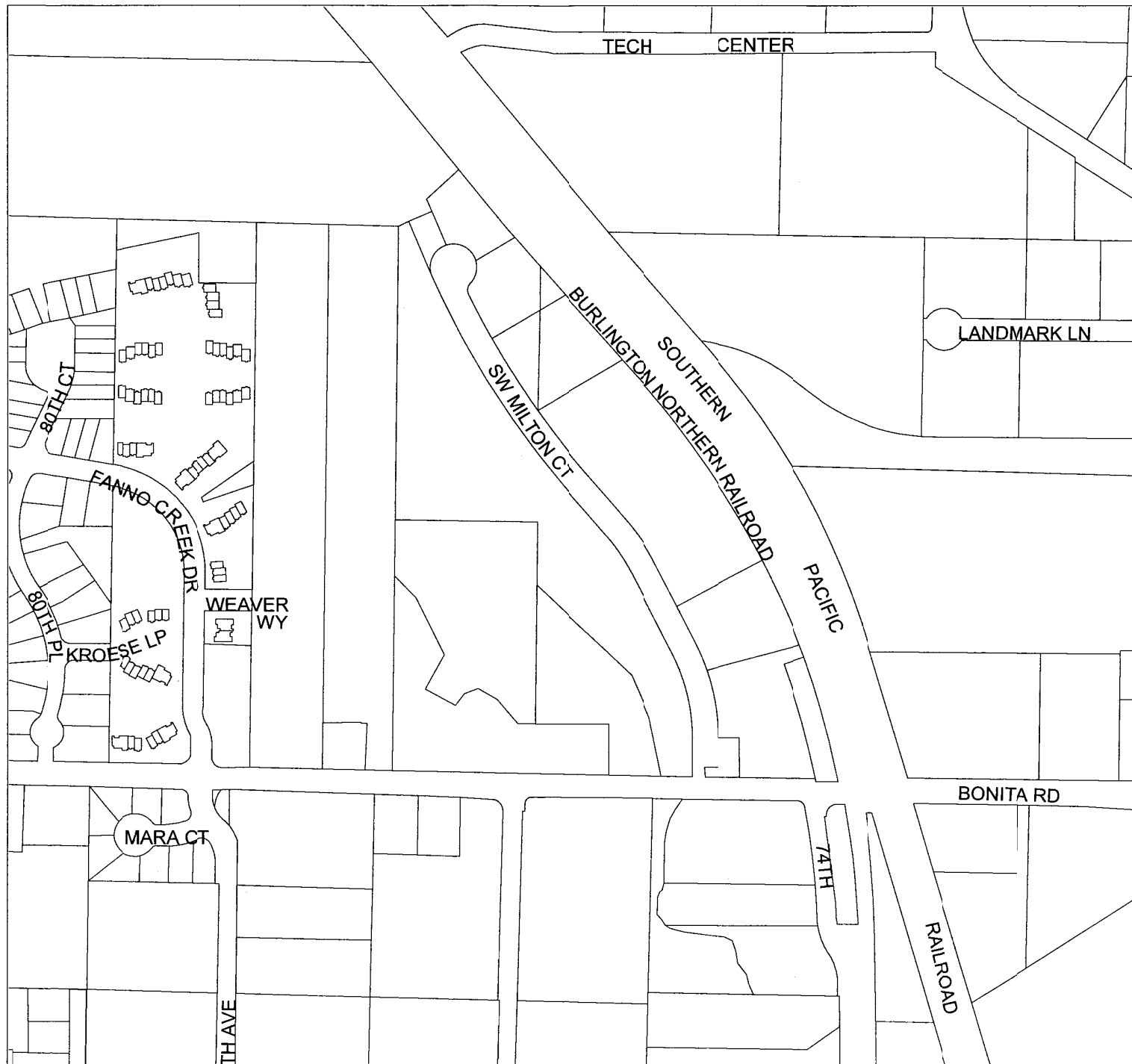
Attachment #2: "Agreement between Washington County and City of Tigard"

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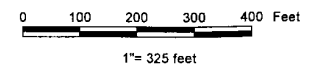
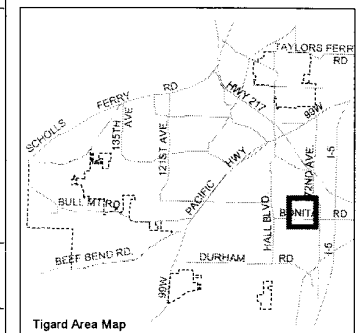
### FISCAL NOTES

The grant amount is \$140,400. The City match includes \$35,000 in hard dollars, all of which is included in the proposed 02-03 budget, and \$22,550 in in-kind services.

i/citywide/cdbg.bonitapark.IGA



# Park Site



Information on this map is for general location only and should be verified with the Development Services Division.  
13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>

Attachment 1

AGREEMENT  
between  
WASHINGTON COUNTY  
and  
CITY OF TIGARD

This Agreement, entered into this \_\_\_\_ day of \_\_\_\_\_, 2002, between Washington County, a municipality of the State of Oregon (hereinafter referred to as the "County"), and the City of Tigard, (hereinafter referred to as the "City"):

RECITALS

- A. The County is an urban county applicant for Block Grant funds under the Housing and Community Development Act of 1974 (the Act), 42 USC 301 et seq as amended, and the National Affordable Housing Act of 1990, and will receive Block Grant funds for the purpose of carrying out eligible community development and housing activities under the Acts and under regulations promulgated by the Department of Housing and Urban Development (HUD) at 24 CFR Part 570;
- B. The County and various cities within the County, including the City, have agreed to cooperate in the undertaking of essential community development and housing activities;
- C. The County desires to have certain services performed by the City as described within this Agreement for the purpose of implementing eligible activities under the Act and HUD regulations;
- D. It is appropriate and mutually desirable that the City be designated by the County to undertake the aforementioned eligible activities, so long as the requirements of the Act, HUD regulations, state law and local law are adhered to, as provided for herein;
- E. The purpose of this Agreement is to provide for the cooperation between the County and the City, as the parties in this Agreement, in implementing such eligible activities in the manner described above;
- F. The parties are authorized and empowered to enter into this Agreement by ORS 190.010 et seq., by the Constitution of the State of Oregon; and
- G. Therefore, in consideration of the payments, covenants, and agreements hereinafter mentioned and to be made and performed by the parties hereto, the parties mutually covenant and agree as provided for in this Agreement.



CITY

WASHINGTON COUNTY

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Chairman, Board of County  
Commissioners

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

APPROVED AS TO FORM

  
\_\_\_\_\_  
Attorney for the Washington County Office of Community  
Development

## INDEX TO CONTRACT AGREEMENT

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- A. Project Description, Scope of Activities and Anticipated Accomplishments
- B. Authorized Signature Card
- C. Budget Summary

## PART I. GENERAL CONDITIONS

### 1. SCOPE OF AGREEMENT AND APPLICABILITY TO TERMS AND CONDITIONS OF THIS AGREEMENT

- A. This Agreement shall consist of the signature page, the general and special conditions; the federal, state and local program requirements; the evaluation and record keeping requirements; each and every project exhibit incorporated in the Agreement; all matters and laws incorporated by reference herein; and any written amendments made according to the general conditions. This Agreement supersedes any and all former agreements applicable to projects attached as exhibits to this Agreement.
- B. Depending upon the specific nature of the project, services or purposes for which Block Grant funds are being provided pursuant to this Agreement, certain terms and conditions contained herein may be made inapplicable by their express citation in Part IV, Special Conditions. Except as so expressly excluded, all terms and conditions contained herein have full application, force and effect.

### 2. SCOPE OF SERVICES

- A. The City shall perform and carry out in a satisfactory and proper manner the services set forth in Exhibit A attached hereto which specifies work to be performed. The Agreement may be amended from time to time in accordance with the general conditions for the purpose of amending the scope of work or for any other lawful purpose.
- B. Any conflict or dispute that may arise with regard to any aspect of CDBG activities for the project shall be resolved by the County's interpretation of the specifications contained in the original project proposal, the current Program Policies, and the County's Office of Community Development CDBG Procedures Manual. Any such determination made by the County shall be final.

### 3. COMMENCEMENT AND TERMINATION OF PROJECTS

- A. Upon release of project-related funds by HUD pursuant to 24 CFR Part 58.70, the County shall furnish the City with written notice to proceed. No work on the project shall occur prior to the receipt of written notice to proceed from the County.
- B. All project funds shall be obligated and expended within the project year unless the County and the City agree to an amendment extending project

activities beyond the Project Year. For the purposes of this Agreement, "Project Year" shall mean the period from July 1, 2002 through June 30, 2003.

- C. Any property acquired or improved in whole or in part with CDBG funds shall be used to meet one of the national objectives set forth in 24 CFR 570.208 for a period of twenty (20) years or until June 30, 2023 unless otherwise modified in writing by the parties to this contract.

#### 4. ADMINISTRATION

- A. The City shall appoint a liaison person who shall be responsible for overall administration of Block Grant funded project(s) and coordination with the County's Office of Community Development. The name of the liaison person shall be specified in writing and submitted to the County's Office of Community Development. The City shall also designate one or more representatives who shall be authorized by the City to sign the Voucher Request and any other forms which may be required. The names of these representatives shall be specified in Exhibit B.
- B. This Agreement is subject to and supplemental to the Agreement of Intergovernmental Cooperation entered into between the County and participating municipalities.

#### 5. OPERATING BUDGET

- A. The City shall expend the funds received from the County under this Agreement in accordance with the budget summary submitted by the City to, and approved by, the County. Such budget summary is attached to this Agreement as Exhibit C. No line item expense in the approved budget shall be changed without a budget revision approved by the County's Office of Community Development. The budget revision shall specifically state the reasons for the requested increase and a justification for the corresponding decrease in another line item. Budget revision(s) must be approved by OCD before any costs are incurred by the City.
- B. The difference between the approved budget amount on a budget line item and a lower or higher bid or quote, in any line item, shall be reported to the County. Excess funds generated by a lower bid or quote shall be considered surplus. The City may submit a budget revision requesting the use of any such surplus, which shall be approved or denied at the discretion of the OCD.

- C. Matching funds identified in Exhibit C shall mean all funds from non-CDBG sources, including in-kind contributions of staff and materials, other grant sources, charitable contributions, volunteer labor, donated materials and services, and similar items of value to the project. Matching funds shall be used for project purposes, and shall be included within the scope of Audits and Inspections conducted under Part III, Section 2 of this Agreement. Increases in matching funds shall be reported to County and the Operating Budget shall be revised accordingly by the OCD.
- D. No later than 90 days from the date the County approves the proposed list of activities, which includes this project, the City shall submit to the County's Office of Community Development written evidence that substantiates the matching funds pledged by the City are available. The availability of pledged funds means all approvals, guarantees, or third party commitments from subrecipients or cosponsors, have been received and will enable the City to officially obligate those matching funds. In the event the City fails to submit such evidence or the evidence is deemed by the County to be unacceptable, the County may exercise its termination options under Part I Section 14 of this agreement.

6. COMPENSATION AND METHOD OF PAYMENT

A. Subject to the availability of funds from HUD, the County shall reimburse the City for the services specified in Exhibit A. Reimbursement shall be requested by the City by submitting a Community Development Voucher Request (OCD Form 2) and a Program Accomplishments reporting form (OCD Form 3); the forms are to be signed by the City's authorized representatives in a manner prescribed by the County.

B. The County will make payment to the City within two (2) weeks or as soon as practicable after said invoice is received and approved by the Washington County Office of Community Development.

7. INTEREST IN PROPERTY

A. Real Property - In accordance with HUD Regulation 24 CFR, 570.503(b)(8), upon expiration of this agreement the City shall transfer to the County any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. Real property under the City's control that was acquired or improved in whole or in part in excess of \$25,000 will be used to (1) meet its original national objective for the time period specified in Part I Section 3.C of this agreement; or (2) disposed of in a manner that results in reimbursement to the County in the amount equal to the current fair market value less any portions attributable to expenditure of non-CDBG funds for acquisition of, or improvement to, the property.

B. Personal Property - Any personal property on hand at the time of the expiration of the project year of this Agreement shall be disposed of in accordance with 24 CFR 85.32.

C. Program Income

- (1) The City shall record the receipt and expenditure of program income as defined in 24 CFR 570.500(a) of the financial transactions of the project(s) funded under this Agreement. Program income shall be reported with each voucher request and substantially disbursed for the benefit of the project(s) funded by this Agreement in accordance with the principles of 24 CFR 570.504 (b)(2)(i) and (ii). Program income which is not used to continue or benefit such project(s) shall revert back to the Block Grant Fund for reallocation by the County.
- (2) The City may retain program income provided it is used in accordance with regulations in 24 CFR 570.504, and pursuant to adopted local CDBG program policies. The County shall determine whether income is being used to continue or benefit a project or projects authorized by this Agreement.
- (3) Program income on hand when the Agreement expires and received after the Agreement's expiration must be used by the subrecipient to meet its original national objective for the time period specified in Part I Section 3.C. of this Agreement. The County may transfer the program income to the City, upon its termination of urban county participation provided the City has become an entitlement grantee and agrees to use the program income in its own CDBG entitlement program.

D. Appraisals, Promissory Note and Trust Deed

- (1) For any real property acquired, constructed or rehabilitated with CDBG funds, the City shall provide the County with an appraisal of the property. The appraisal shall be conducted by a certified appraiser whose services shall be paid for by the City. The purpose of such an appraisal is to: (a) conform to any federal real property acquisition requirements, and/or (b) to establish a baseline figure for the purpose of entering into a promissory note and trust deed as specified below. The appraisal shall be conducted within 45 days of notification to do so by the County.
- (2) City shall execute a Promissory Note and Trust Deed for any facility constructed, acquired or rehabilitated with Community Development Block Grant funds. The Promissory Note and Trust deed shall be executed at such time as required by the County.



- (3) City agrees to comply with all agreements, covenants and restrictions contained in the Promissory Note and Trust Deed, and all applicable federal, state and local regulations during the terms of the Promissory Note and Trust Deed.
- (4) City agrees to pay all escrow fees including all costs associated with the recording of Trust Deed or other legal instruments necessary for the County to protect its interest in the project.

8. FUNDING ALTERNATIVES AND FUTURE SUPPORT

- A. The County makes no commitment to future support and assumes no obligation for future support of the activities contracted for herein, except as expressly set forth in this Agreement.
- B. Should anticipated sources of revenue not become available to the County for use in the Community Development Program, the County shall immediately notify the City in writing, and the County will be released from all contracted liability for that portion of the Agreement covered by funds not received by the County.

9. AMENDMENTS

This Agreement shall be modified by the parties only upon written amendment.

10. ASSIGNMENT AND SUBCONTRACTING

- A. The City shall not enter into any contracts under this Agreement without the written approval of the County. Such consent shall be requested 15 days prior to the date of proposed assignment.
- B. The County shall assume no liability for acts and omissions of contractors or subcontractors employed by the City.

11. HOLD HARMLESS AND INDEMNIFICATION

The City agrees to defend, save, hold harmless and indemnify the County, its commissioners, employees and agents for any and all claims, damages, losses and expenses, including but not limited to reasonable attorney's fees, arising out of or resulting from its own negligence, performance of or failure to perform the obligations of any agreement resulting from this Agreement.

## 12. CONFLICT OF INTEREST

- A. Interest of Officers, Employees, or Agents - No officer, employee, or agent of the County or City who exercises any functions or responsibilities in connection with the planning and carrying out of the Block Grant Program, or any other person who exercises any functions or responsibilities in connection with the Program, shall have any personal financial interest, direct or indirect, in this Agreement and the City shall take appropriate steps to assure compliance.
- B. Interest of Subcontractor and Their Employees - The City agrees that it will incorporate into every subcontract required to be in writing and made pursuant to this Agreement the following provision:

The Contractor covenants that no person who presently exercises any functions or responsibilities in connection with the Block Grant Program, has any personal financial interest, direct or indirect, in this Contract. The Contractor further covenants that he presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of his services hereunder. The Contractor further covenants that in the performance of this Contract no person having any conflicting interest shall be employed. Any interest on the part of the Contractor or his employees must be disclosed to the City or the County.

## 13. DEFAULT AND SUSPENSION

- A. Each of the following events shall constitute a default on the part of the City:
- (1) Material noncompliance with the terms of this contract, the Award, any and all applicable state or federal laws and regulations;
  - (2) Mismanagement or improper use of Award funds;
  - (3) Failure to obligate required funds or to provide work or services expressed by this Agreement;
  - (4) Failure to submit reports, supplying incomplete or inaccurate reports required by Part III herein.

- B. Each of the following events shall constitute a default on the part of the County:
- (1) Material noncompliance with the terms of this contract, the Award, any and all applicable state and federal laws and regulations;
  - (2) Failure to provide funding for services rendered as required by this contract and law.

14. ENFORCEMENT

- A. In the event the City is found in default under the terms of this agreement the County may:
- (1) Withhold any or all of any pending or future payments until the default is cured;
  - (2) Suspend all or part of this Contract or Award herein;
  - (3) Prohibit the City from incurring additional obligations of funds until the County notifies the City in writing that the default is cured;
  - (4) Disallow or deny both the use of funds and matching credit of the activity or action not in compliance;
  - (5) Take any and all other legal or equitable remedies available.
- B. Any costs attributed to the program which were lawfully incurred prior to any suspension or termination will be considered properly incurred. Any costs attributed to the program during or after any suspension or termination are specifically not allowed without express written consent by the County.

15. APPEAL

In the event the County takes an action to enforce the terms of this Contract, the Award or to enforce compliance with applicable state and federal law, the City may appeal such action in the manner provided in this section as follows:

- (1) The County shall provide the City with written notice of the default and the right to cure, if any;
- (2) The City may pursue an informal appeal by contacting the Manager of the Office of Community Development.

- (3) The City may appeal the informal decision of the Manager by submitting a written objection of the enforcement action directly to the Community Development Policy Advisory Board (PAB).
  - (a) The PAB may consider oral argument, written testimony and any other such evidence it considers relevant to a determination.
  - (b) The PAB shall consider all information and reach a determination based upon the record submitted and prepare a written finding.
  - (c) The City shall have the opportunity to provide oral testimony if a hearing is conducted. If a formal hearing is not held the City shall have the opportunity to submit written objections, arguments and other material relevant to its position.
  - (d) The findings of the PAB are final and no further appeal is allowed.

16. TERMINATION

- A. This contract shall terminate upon any of the following events:
  - (1) Termination following default as defined previously;
  - (2) The failure by the County to provide funding for services rendered as required by this Agreement;
  - (3) The unavailability of Block Grant funds from either the federal government or through the County.
- B. This Agreement will terminate upon thirty days written notice by the County in the event funding is no longer available.
- C. Upon termination of this Agreement, any unexpended balance of Agreement funds shall remain with the County. The regulations relating to reimbursement of Block Grant funds shall be applicable to the City for expended funds.
- D. The City shall reimburse the County for any and all funds expended in violation of the terms of this Agreement, state or federal law.

17. PROHIBITION ON THE USE OF DEBARRED CONTRACTORS

CDBG funds shall not be used directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund any contractor or subrecipient during any period of debarment, suspension, or placement in ineligibility status under the provisions of 24 CFR Part 24. The City shall not make any award at any tier to any party which is debarred, suspended or excluded from participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension."

18. ATTORNEY FEES AND COSTS

This Agreement shall be governed by the laws of the State of Oregon and federal law. Any action or suit commenced in connection with this Agreement shall be in the Circuit Court of Washington County. The prevailing party, either in Circuit Court or on appeal, shall be entitled to reasonable attorney fees and costs and disbursements as awarded by the Court.

19. EXTENSIONS

If in the determination of the Office of Community Development (OCD) a time extension is necessary or appropriate, an extension of the term of agreement for an additional period may be granted to the City by the County's Office of Community Development provided the City requests such an extension, in writing, at least two (2) weeks prior to the last expiration date contained in this Agreement. Additional extension(s) may be granted by the OCD Program Manager in case of extenuating circumstances.

PART II. FEDERAL, STATE AND LOCAL PROGRAM REQUIREMENTS

1. PROCUREMENT STANDARDS

- A. In awarding contracts pursuant to this Agreement, the City shall comply with all applicable requirements of local and state law for awarding contracts, including but not limited to procedures for competitive bidding, contractor's bonds, and retained percentages. In addition, the City shall comply with the requirements of the 24 CFR Part 85.36 and Part 85.37, relating to bonding, insurance and procurement standards; and with Executive Order 11246 and the regulations issued pursuant thereto (41 CFR Chapter 60) regarding nondiscrimination bid conditions for projects over \$25,000.
- B. The City agrees to submit copies of all contracts, agreements, plans, specifications and change orders related to the project to the County's Office of Community Development in a timely manner. No plan specification or change order shall be used or implemented if it increases the total project cost without approval from the Office of Community Development.
- C. The City shall make available to each contractor bidding on any activity under this Agreement a listing of minority business enterprises (MBEs).

2. ENVIRONMENTAL REVIEW

- A. The County retains environmental review responsibility for purposes of fulfilling requirements of the National Environmental Policy Act as implemented by HUD Environmental Review Procedures (24 CFR Part 58). The County shall require the City to furnish data, information and assistance for the County's review and assessment in fulfillment of the County's responsibilities under 24 CFR, Part 58.
- B. The City shall not proceed with the acquisition of real property or any construction activities under this Agreement until satisfaction of all applicable requirements of the National Environmental Policy Act.
- C. Other Environmental Compliance Requirements:

- (1) Historic Preservation. The City shall meet the historic preservation requirements of the National Historic Preservation Act of 1966 (Public Law 89-665) and the Archeological and Historic Preservation Act of 1974 (Public Law 93-291) and Executive Order 11593, including the procedures prescribed by the Advisory Council on Historic Preservation in the regulations at 36 CFR Part 800. Activities affecting property listed in or found to be eligible for inclusion in the National Register of Historic Places will be subject to requirements set forth in HUD Environmental Review Procedures at 24 CFR Part 58.
- (2) National Flood Insurance. The City shall not receive Community Development Block Grant funding for acquisition or construction for use in any area that has been identified as having special flood hazards and is not participating in the National Flood Insurance Program, as provided by Section 3(a) and 202 (a) of the Flood Disaster Protection Act of 1973 (42 USC 400(a) and 4106) and the regulations thereunder (44 CFR Chapter 1, Subchapter B, and 24 CFR, Section 570.605).
- (3) Air and Water Pollution. The City shall comply with the provisions of the Clean Air Act, as amended (42 USC Section [1857] 7401 et seq.) and the regulations issued thereunder (40 CFR Part 15) and the Water Pollution Act, 33 U.S.C. 1251 et. seq.
- (4) Lead-Based Paint Poisoning. Pursuant to 24 CFR, 570.608 the City shall comply with the HUD Lead-Based Paint Regulations (24 CFR Part 35) issued pursuant to the Lead-Based Paint Poisoning Prevention Act, as amended, (42 USC Section 4851 et seq.) requiring prohibition of the use of lead-based paint whenever funds under this Agreement are used directly or indirectly for acquisition, construction, rehabilitation, or modernization; elimination of immediate lead-based paint hazards in residential structures; and notification of the hazards in residential structures; and notification of the hazards of lead-based paint poisoning to purchasers and tenants of residential structures constructed prior to 1978.
- (5) Endangered Species Act. The City shall comply with the provisions of the Endangered Species Act of 1973, as amended (16 USC Section 1531 et seq.), particularly Section 7 of the regulations thereunder (50 CFR Part 402).

### 3. NONDISCRIMINATION

A. General. The City shall comply with all federal, state and local laws prohibiting discrimination on the basis of age, sex, familial status, race, creed, color, national origin, or disability. These requirements are specified in Section 109 of the Housing and Community Development Act of 1974 "as amended"; Civil Rights Act of 1964, Title VI (42 USC 2000d et seq.); Civil Rights Act of 1968, Title VIII (42 USC 3601 et seq.); Executive Order 11063, as amended by Executive Order 12259; Executive Order 11246 and the regulations issued pursuant thereto (41 CFR Chapter 60); Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u); and Section 504 of the Rehabilitation Act of 1973, (29 USC 794); Americans With Disabilities Act (ADA) (42 USC 12101); and the Age Discrimination Act of 1975 (42 USC 6101 et seq.). Specifically, the City is prohibited from taking any discriminatory actions defined in the HUD regulations at 24 CFR 570.602(b)(1)-(3) and shall take such affirmative and corrective actions as required by the regulations at CFR 570.602(b)(4). These requirements are summarized in the following paragraphs:

- (1) Program Benefit. The City shall not discriminate against any resident of the project service area by denying benefit from or participation in any Block Grant funded activity on the basis of race, color, sex, national origin, disability, age, and familial status. (Civil Rights Act of 1964, Title VI; Civil Rights Act of 1968, Title VIII; Section 109, Housing and Community Development Act of 1974; Age Discrimination Act 1975; Americans With Disabilities Act (ADA) (42 USC 12101); Section 504, Rehabilitation Act of 1973.)
- (2) Fair Housing. The City shall take necessary and appropriate actions to prevent discrimination in federally assisted housing and lending practices related to loans insured or guaranteed by the Federal Government. (Civil Rights Act of 1968, Title VIII, as amended; Executive Order 11063, as amended by Executive Order 12259.)
- (3) Employment.
  - (a) In all solicitations under this Agreement the City shall state that all qualified applicants will be considered for employment. The words, "Equal Opportunity Employer" in all advertisements shall constitute compliance with this Section.
  - (b) The City shall not discriminate against any employee or applicant for employment in connection with the Agreement because of age, sex, familial status, disability, race, creed, color or national origin, except when there is a bona fide occupational limitation. The City shall not refuse to hire, employ or promote, or bar, discharge, dismiss, reduce in compensation, suspend, demote, or discriminate in work activities, terms or conditions because an individual has a physical or mental



disability in any employment in connection with this Agreement unless it can be shown that the particular disability prevents the performance of the work involved. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training. (Executive Order 11246 as amended; and Section 504 of the Rehabilitation Act of 1973; Americans With Disabilities Act (ADA) (42 USC 12101); and the Age Discrimination Act of 1975.)

- (c) This Agreement is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u), as amended, the HUD regulations issued pursuant thereto at 24 CFR Part 135, and any applicable rules and orders of HUD issued thereunder prior to the HUD authorization of the funding approval.
- (4) Persons With Disabilities. As required by 24 CFR, Part 8.51 the City shall conduct a self-evaluation and take corrective action to ensure reasonable accommodation in programs and services to persons with disabilities. The City shall provide County with a completed self- evaluation checklist, in the form set forth in County's CDBG Procedures Manual.
- (5) Contractors and Suppliers
  - (a) No contractor, subcontractor, union or vendor engaged in any activity under this Agreement shall discriminate in the sale of materials, equipment or labor on the basis of age, sex, familial status, race, creed, color, or national origin. No contractor, subcontractor, union or vendor engaged in any activity under this Agreement shall refuse to hire, employ or promote, or bar, discharge, dismiss, reduce in compensation, suspend, demote or discriminate in work activities, terms or conditions because an individual has a physical or mental disability in any employment in connection with this Agreement unless it can be shown that the particular disability prevents the performance of the work involved. Such practices include upgrading, demotion, recruiting, transfer, layoff, termination, pay rate, and advertisement for employment. (Executive Order 11246 as amended; and Section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.)
  - (b) To the greatest extent feasible, the City shall purchase supplies and services for activities under this Agreement from vendors and contractors whose businesses are located in the area served by the Block Grant funded activities or owned in substantial part by project

area residents. (Section 3, Housing and Community Development Act of 1968, as amended.)

- B. In the event of noncompliance by the City with any nondiscrimination provisions of this Agreement, the County shall have the right in whole or in part to cancel this Agreement in accordance with Part I, Section 14.

#### 4. PROPERTY MANAGEMENT

The City, as a subgrantee, agrees that any property, equipment, or supplies purchased wholly or in part with program funds shall be managed under the same guidelines applicable to the County, pursuant to 24 CFR Part 85.

#### 5. LABOR STANDARDS

- A. The City shall require that project construction and subcontractors pay their laborers and mechanics at wage rates in accordance with the Davis-Bacon Act, as amended (40 USC sections 276(a)-276(a)(5), and that they comply with the Copeland "Anti-Kickback" Act, as amended (40 U.S.C. 276(c) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) as further prescribed at 29 CFR Parts 1, 3, 5, 6 and 7; provided that this section shall not apply to rehabilitation of residential property designed for residential use by less than eight units, or to rehabilitation of rental property consisting of less than twelve units.
- B. A copy of the current Davis-Bacon wages must be included in all construction bid specifications and/or contracts over \$2,000.

#### 6. ACQUISITION AND RELOCATION

- A. Any acquisition of real property by a unit of government for any activity assisted under this Agreement shall comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 amended as Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (hereinafter referred to as the Uniform Relocation Act) (42 USC 4601 et seq.) and the Regulations at 24 CFR Part 42 as amended effective April 2, 1987.
- B. Any displacement of persons, business, nonprofit organizations or farms as a result of acquisition of real property assisted under this Agreement shall comply with Title II of the Uniform Act and the regulations at 24 CFR Part 42. The City shall comply with the regulations pertaining to costs of relocation at 24 CFR Section 570.606 and the Washington County CDBG Program Policies.

#### 7. ARCHITECTURAL BARRIERS

Any facility constructed or altered pursuant to this Agreement shall comply with design requirements of the Uniform Federal Accessibility Standards (UFAS).

8. NONPARTICIPATION IN POLITICAL ACTIVITIES

The City shall comply with the provisions of the Hatch Act (5 USC Chapter 15).

9. NONSUBSTITUTION FOR LOCAL FUNDING

The Block Grant funding made available under this Agreement shall not be utilized by the City to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of funds under this Agreement.

10. PUBLIC INFORMATION

All written materials (reports, brochures, promotional or informational items), news releases, and other public notices produced by or for the City shall acknowledge the source of funding as being derived from the Department of Housing and Urban Development and provided through the Washington County Community Development Block Grant Program.

11. APPLICABILITY OF LAWS UNDER THIS AGREEMENT

To the extent applicable to the City's acceptance and use of funds under this Agreement, the City shall comply with the policies, guidelines and Uniform Administrative Requirements of OMB Circulars A-87, A-133, (implemented at 24 CFR, Part 44), and 24 CFR, Part 85 (implemented at 24 CFR, Part 570.502).

12. CERTIFICATION REGARDING LOBBYING

The City certifies, by affixing its authorized signature(s) to this agreement that, to the best of the City's knowledge and belief:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the entering into this cooperative agreement, and the extension, continuation, renewal, amendment, or modification of this cooperative agreement.

- B. If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (Available through the Office of Community Development.)
- C. The City shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

13. CERTIFICATION REGARDING USE OF EXCESSIVE FORCE

The City in accordance with Section 519 of Public Law 101-144, 1990 HUD Appropriations Act, certifies by affixing its authorized signature(s) to this agreement that the City will not use excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

### PART III. EVALUATION AND RECORD KEEPING

#### 1. EVALUATION

The City agrees to participate with the County in any evaluation project or performance report, as designed by the County or the appropriate federal agency, and to make available all information required by any such evaluation process.

#### 2. AUDITS AND INSPECTIONS

A. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by the County, federal or state officials so authorized by law during the performance of this Agreement and during the period of records retention specified in this Part III at paragraph 4.

B. The City shall be responsible for meeting the audit requirements established in the U.S. Office of Management and Budget Circular A-133. Upon request of the County's Office of Community Development, the City shall be required to provide audit information relative to any project or activity funded under the terms of this Agreement.

#### 3. RECORDS

In the event the City sponsors multiple projects, each project shall be maintained under a separate file system and kept in a manner recommended by the County. As required by HUD regulations, the City shall compile and maintain records as indicated:

A. Financial Management - Such records shall identify adequately the source and application of funds for activities within this Agreement in accordance with the provisions of 24 CFR Part 85.20. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

B. Citizen Participation - Narrative and other documentation describing the process used to inform citizens concerning the amount of funds available, the ranges of project activities undertaken, and opportunities to participate in funded Block Grant projects.

C. Relocation - City recordkeeping must comply with the Uniform Act implementing regulations at 24 CFR Part 42. Indication of the overall status of the relocation workload and separate relocation record for each person, business, organization, and farm operation displaced or in the relocation workload must be kept.

D. Real Property Acquisition - If the City acquires real property by exercising its power of eminent domain, City acquisition files must contain the following records:

- (1) Identification of property and property owners.
- (2) Official Determination to Acquire - A citation of the action that constitutes the official determination to acquire, the date of the action, and the applicable CDBG project number.
- (3) Notice of Intent to Acquire the Property - A copy of the notice (including owner's rights), citation of the date of transmittal to owner, and evidence of receipt by the owner. If tenants are involved, then a general notice must also be issued to all affected tenants.
- (4) Preliminary Acquisition Notice - A citation of the date of transmittal to the owner and evidence of receipt by owner.
- (5) Invitation to Accompany Appraiser - Evidence that owner was invited to accompany each appraiser on his inspection of the property.
- (6) Appraisal Reports - A copy of each appraisal report, including reviewer's report, on which determination of just compensation was based.
- (7) Determination of Just Compensation - A copy of the resolution, certification, motion or other document constituting the determination of just compensation.
- (8) Purchase Offer - A copy of written purchase offer of just compensation, including all basic terms and conditions of such offer, and a citation of the date of delivery to the owner. This date is the initiation of negotiations and triggers the relocation requirement of making a "Notice of Displacement".
- (9) Statement of the Basis for the Determination of Just Compensation - A copy of the statement and an indication that it was delivered to the owner with written purchase offer.

- (10) Purchase Agreement, copy of recorded Deed, Declaration of Taking, Title Report, Title exceptions - A copy of each such document and any similar or related document utilized in conveyance.
  - (11) Settlement Cost Reporting Statement - A signed copy of the statement.
  - (12) Purchase of Price Receipt - Evidence of owner receipt of purchase price payment.
  - (13) Copy of any appeal or complaint and City response.
- E. Equal Opportunity - The City will maintain racial, ethnic, and gender data showing the extent to which these categories of persons have participated in, or benefitted from, the activities carried out under this Agreement. The City shall also maintain data which records its affirmative action in equal opportunity employment, and its good faith efforts to identify, train, and/or hire lower-income residents of the project area and to utilize business concerns which are located in or owned in substantial part by persons residing in the area of the project.
  - F. Labor Standards - Records shall be maintained regarding compliance of all contractors performing construction work under this Agreement with the labor standards made applicable by 24 CFR Part 570.605.
  - G. Miscellaneous Records - The City shall maintain such other records as may be required by the County and/or HUD.

#### 4. RETENTION OF RECORDS

As required in 24 CFR 85.42, required records shall be retained for a period of four (3) years following the date of the submission of the final grantee performance report in which the activity is covered, except as follows:

- A. Records that are the subject of audit findings shall be retained for four years or until such audit findings have been resolved, whichever is later.
- B. Records for Real Property and Equipment shall be retained for four years after its final disposition. The retention period starts from the date of disposition, replacement, or transfer at the direction of the County. Equipment is defined in 24 CFR Part 85.32 and real property is defined in 24 CFR Part 570.505.
- C. Records for any displaced person shall be retained for four years after such person has received final payment.

PART IV. SPECIAL CONDITIONS

1. The City shall execute this agreement no later than 30 days following the date of the County's letter of transmittal.
2. Fifteen days prior to soliciting bids the City shall make available to the County's Office of Community Development, in writing, a schedule of proposed activities to include at least: the date of bid solicitation; date of bid opening or final date of phone solicitations, as applicable; anticipated award date; and date of anticipated construction. In addition, the City will provide a construction cost estimate.
3. In accordance with Part I, Paragraph 1.B., the following covenants are deemed not applicable and are expressly deleted:



PART V. EXHIBITS

- A. Project Description, Scope of Activities and Anticipated Accomplishments
- B. Authorized Signature Card
- C. Budget Summary

PROJECT DESCRIPTION, SCOPE OF ACTIVITIES  
AND ANTICIPATED ACCOMPLISHMENTS

I. Project Number and Title:

CDBG Project #4142 City of Tigard – Bonita Park

II. Description of: Project, Activities, Anticipated Accomplishments, Low and Moderate or Other Target Group Beneficiaries.

A. Nature and Purpose of the Project:

The City of Tigard will construct and equip a neighborhood park at SW Bonita Road and SW Milton Court. Improvements will include a playstructure, seating and picnic areas, open lawn area, and a hard surface basketball court. Proposed landscaping includes the lawn seeding and tree plantings to provide shade for park users. The proposed project also includes a marked crosswalk and traffic light, which will provide safe access to the park by the tenants of the four adjacent apartment complexes.

B. Proposed Location or Impact Area(s):

SW Bonita Road at SW Milton Court  
(Census tract 308.01, Block Group 0308023)

C. Duration/Timing of the Project:

July 1, 2002 through June 30, 2003

D. Number of Low and Moderate Income or Target Group Beneficiaries:

674 low to moderate income qualified residents

E. Component Activities (CDBG vs. Others):

CDBG = \$140,400      City = \$105,550

F. Quantitative Projections for CDBG Component Activities (in units, linear feet, square feet, etc.) for all acquisitions, construction, reconstruction, rehabilitation, etc.:

CDBG funds will be applied to related construction costs.

EXHIBIT A

Project No. 4142  
Project Year (funded) 02/03

AUTHORIZATION SIGNATURE CARD

Project Name Bonita Park  
Applicant's Name City of Tigard  
Address 13125 SW 130th Ave  
City, State, Zip Tigard, OR 97223  
Telephone Number 503-639-4171

SIGNATURE OF INDIVIDUALS AUTHORIZED TO SIGN FINANCIAL DOCUMENTS:

Any TWO signatures required to sign any financial document

NAME (Type or Print)	SIGNATURE
<u>VANNIE NGUYEN</u>	<u>Vanniet Nguyen</u>
<u>Agustin P. Duenas</u>	<u>Agustin P. Duenas</u>
<u>DANIEL R PLAZA</u>	<u>Daniel R Plaza</u>
<u>Craig Prosser</u>	<u>Craig Prosser</u>
<u>Tom Indieke</u>	<u>Tom Indieke</u>

I certify that the signatures above are of the individuals authorized to execute financial documents.

MARCH 8, 2002  
Date

[Signature]  
Signature of Authorized Official

CITY MANAGER  
Title of Authorized Official

Project No. 4142  
 Project Year (funded) 3  
1/27-6/3

**BUDGET SUMMARY**  
 Community Development Block Grant (CDBG) Program

Project Title Bonita Area Park Improvements  
 Legal Name of Entity City of Tigard  
 Address 13125 SW Hall Blvd. City Tigard State OR Zip 97008

**I. BUDGET LINE ITEMS:**

**A. PERSONNEL SERVICES:**

1. No. of Employees	2. Job Title	3. Total Salary	4. Portion Chargeable to CDBG
1	Park Manager	2,500	0
1	Project Engineer	13,000	0
5. Subtotal		\$ 15,500	\$ 0
6. Extra Help/Overtime		0	0
7. Fringe Benefits		7,000	0
8. TOTAL PERSONNEL COSTS		\$ 22,500	\$ 0
<b>B. MATERIALS &amp; SERVICES:</b>		<b>Materials &amp; Services</b>	<b>Portion Chargeable to CDBG</b>
9. Office Supplies		\$ 50	\$ 0
10. Operating Supplies		0	0
11. Communications		0	0
12. Travel and Training		0	0
13. Legal & Public Notices		300	0
14. Professional Services		0	0
15. Construction Contracts <u>Park Improvements and traffic signal</u>		175,100	140,400
16. Other: Specify <u>permits</u>		3,000	0
17. TOTAL MATERIALS & SERVICES		\$ 178,450	\$ 140,400

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C. CAPITAL OUTLAY:		Total Capital Outlay	Portion Chargeable to CDBG
18. Capital Outlay:			
Quantity	Item	\$	\$
19. Real Property Acquisition:	donated land value	\$ 45,000	\$ 0
20. TOTAL CAPITAL OUTLAY		\$ 45,000	\$ 0
		21. Total Project Cost	22. Total CDBG Award
		\$ 245,950	\$ 140,400
II. SOURCES OF PROJECT FUNDING			
1. Federal		\$	
2. State			
3. Local Cash		35,000	0
4. County			
5. In-Kind Service & Supply		22,550	0
6. Other (detail)	land value	45,000	0
	permit fees	3,000	
7. Subtotal		\$	
8. CDBG		140,400	140,400
9. TOTAL PROJECT COST		\$ 245,950	140,400

### III. AUTHORIZATION

3/08/02  
Date

3/08/02  
Date

Agueta P. Quenec  
Authorized Signature for Project

Jim Indick  
Authorized Signature for Project

### COUNTY USE ONLY

Reviewed and approved by Washington County Office of Community Development on 4/24/

20a By Diagram Manager Debra J. Seiler  
Signature

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Zone Change Annexation (ZCA) 2002-00001 - Fern Street Annexation

PREPARED BY: Mathew Scheidegger DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Should the Tigard City Council annex the parcels of land as identified in Option 1 or 2?

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STAFF RECOMMENDATION

Staff recommends that the Council adopt the proposed ordinance and legal description of Option 2.

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INFORMATION SUMMARY

The Fern Street annexation consists of five (5) parcels equaling 11.86 acres. The parcels are within the City of Tigard's Urban Services Area. The reason for annexing into the City of Tigard is to include two (2) of the five (5) parcels in a 14 lot subdivision. The additional parcels are due to staff's contact with surrounding property owners that wished to be included with this annexation application. This entire area is an island created by the recent approval of the Pacific Crest Annexation (approved: 02/09/02).

The Fern Street annexation would create an additional island including a .46 acre island within the subject parcels. Staff has attempted to contact the owner of this property to be included with the proposed annexation with no response. Therefore, staff is presenting Council with two ordinance options. The .46 acre island can be annexed through the double majority system of annexation under ORS 222.125. The property is already zoned with the County R-7 zoning designation and the proper zoning is concurrent with the annexation according to Section 18.320.020.C of the Community Development Code. The County zone will automatically convert to the City R-7 zone upon annexation approval by Council.

**Option #1**

Approve the annexation of (5) parcels of approximately 11.86 acres into the City of Tigard and create a .46 acre island described as WCTM 2S104BC, Tax Lot 02300.

**Option #2**

Approve the annexation of (6) parcels of approximately 12.32 acres into the City of Tigard through the adoption of a separate ordinance by means of a double-majority. This includes the .46 acre parcel.

Staff has notified all affected agencies and CIT members of the proposed annexation. There was no objection to the annexation by those who returned comments. Staff has reviewed the proposal for compliance with Metro Chapter 3.09, the Comprehensive Plan Policies, the Tigard Development Code, and the Oregon Revised Statutes. As indicated in the staff report to City Council, the proposed annexation meets the applicable standards. Pursuant to Chapter 18.320.020.C of the Tigard Development Code, the Comprehensive Plan designation and the City's zoning is automatically applied to property upon approval of the annexation by Council.

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OTHER ALTERNATIVES CONSIDERED

Denial of the request.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

"Growth and Growth Management", Goal #2 – Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

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ATTACHMENT LIST

Attachment 1 - Ordinance Option #1

Attachment 2 - Ordinance Option #2

Attachment 3 – Staff Report to the City Council

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FISCAL NOTES

N/A. The applicant is responsible for paying the Metro processing fee and has already paid the fees necessary to administer the application by planning staff.

ORDINANCE NO. 2002- \_\_\_\_\_

**AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2002-00001/FERN STREET ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.**

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**WHEREAS**, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

**WHEREAS**, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

**WHEREAS**, the Tigard City Council held a public hearing on May 14, 2002 to consider the annexation of five (5) parcels of land consisting of 11.86 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

**WHEREAS**, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

**WHEREAS**, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on May 14, 2002; and

**WHEREAS**, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

**WHEREAS**, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

**WHEREAS**, the current and proposed zoning district is R-7, therefore, no zone change is necessary; and



**WHEREAS**, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

**WHEREAS**, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

**NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:**

**SECTION 1:** The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

**SECTION 2:** This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

**SECTION 3:** The City Recorder is hereby directed to file certified copies of the Ordinance with Metro for administrative processing.

**SECTION 4:** Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

**SECTION 5:** Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2003.

**SECTION 6:** In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

**PASSED:** By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

**APPROVED:** By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
James E. Griffith, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

**ANNEXATION DESCRIPTION**  
**(ZCA2002-00001/FERN STREET ANNEXATION)**  
**(Option #1)**

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A tract of land situated in the Northwest One-quarter of Section 4 Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon described as follows:

Beginning at the Northwest Corner of lot 22 Handy Acres as recorded in Book 10 Page 31 of the Washington County Subdivision records; thence S 00° 42' 58" W, along the west line of lot 22, a distance of 905.12 feet to the Southwest corner of lot 22; thence N 89° 43' 30" E, along the south line of lots 22&23 Handy Acres, a distance of 340.00 feet to the Southeast corner of lot 23; thence N 00° 42' 58" E, along the east line of lot 23, a distance of 474.84 feet; thence N 89° 17' 49" W a distance of 20.39 feet; thence N 14° 44' 11" E a distance of 87.71 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 125.00 feet, a delta of 14° 02' 00", (a chord which bears N 7° 43' 11" E 30.54 feet) and a length of 30.62 feet to a point of tangency; thence N 00° 42' 11" E a distance of 143.64 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 25.00 feet, a delta of 111° 47' 35", (a chord which bears N 56° 35' 59" E, 41.40 feet) and a length of 48.78 feet to the southerly right-of-way of SW Fern Street; thence S 67° 30' 14" E, along said right-of-way, a distance of 170.53 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 741.25 feet, a delta of 12° 46' 29" (a chord which bears S 73° 53' 28" E, 164.93 feet) and a length of 165.27 feet to the Northeast corner of lot 25 Handy Acres and the Northeast corner of Tract "E" Hillshire Woods; thence N 00° 42' 57" E, leaving said southerly right of way, a distance of 50.67 feet to the northerly right-of-way of SW Fern Street, to the Southeast corner of lot 6 Handy Acres and a point of on a curve to the right; thence along said curve to the right with a radius of 691.25 feet, a delta of 12° 07' 02" (a chord that bears N 73° 33' 45" W, 145.92 feet) and a length of 146.19 feet; thence N 67° 30' 14" W, along said northerly right-of-way, a distance of 485.68 feet to the point of curvature of a curve to the left; thence along said curve to the left with a radius of 383.12 feet, a delta of 30° 52' 44" (a chord that bears S 87° 27' 25" E, 261.48 feet) and a length of 266.85 feet to the Southeast corner of lot 11 Handy Acres; thence N 00° 42' 49" E, along the east line of said lot 11, a distance of 381.19 feet to the Northeast corner of said lot 11; thence S 89° 30' W a distance of 170.01 feet to the Northwest corner of said lot 11; thence S 00° 42' 53" W a distance of 490.37 feet to the Southwest corner of said lot 11 and a point on a curve to the left; thence along said curve to the left with a radius of 383.12 feet, a delta of 3° 32' 40" (a chord that bears S 39° 48' 43" W, 23.70) and a length of 23.70 feet to a point of reversing curve of a curve to the right; thence along said curve to the right with a radius of 333.75 feet, a delta of 51° 40' 00" (a chord that bears S 63° 44' 46" W, 290.87 feet) and a length of 300.96 feet to a point of tangency; thence S 89° 34' 46" W, along said northerly right-of-way, a distance of 234.72 feet to the Southeast corner of lot 15 Handy Acres; thence N 00° 43' 00" E a distance of 635.82 feet to the Northeast corner of said lot 15; thence S 89° 30' 00" W a distance of 130.00 feet; thence S 00° 43' 00" W a distance of 685.65 feet to the southerly right-of-way of SW Fern Street; thence N 89° 34' 46" E, along said southerly right-of-

**ANNEXATION DESCRIPTION**  
**(ZCA2002-00001/FERN STREET ANNEXATION)**  
**(Option #1)**

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way, a distance of 365.71 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 383.75 feet, a delta of  $51^{\circ} 40' 00''$  (a chord that bears N  $63^{\circ} 44' 46''$  E, 334.44 feet) and a length of 346.05 feet to a point of reversing curve to the right; thence along said curve to the right with a radius of 333.12 feet, a delta of  $61^{\circ} 34' 17''$  (a chord that bears N  $68^{\circ} 34' 17''$  E, 341.00 feet) and a length of 357.98 feet to the point of Beginning.

Containing 11.86 Acres

**ANNEXATION DESCRIPTION**  
**(ZCA2002-00001/FERN STREET ANNEXATION)**  
**(Option #1)**

**EXCLUDING**

---

A tract of land situated in the Northwest One-quarter of Section 4 Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon described as follows:

Beginning at the Northwest Corner of lot 23 Handy Acres as recorded in Book 10 Page 31 of the Washington County Subdivision records; thence S 00° 42' 58" W, along the west line of lot 23, a distance of 186.56 feet; thence S 89° 17' 02" E a distance of 123.54 feet; thence N 00° 42' 58" E a distance of 137.20 feet to the southerly right-of-way of SW Fern Street; thence N 67° 30' 14" W, along said right-of-way, a distance of 133.04 feet to the point of beginning.

Containing 0.46 acres.

EXHIBIT B  
Option #1  
(5 Parcels)

**BEAVERTON**

**TIGARD**

CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

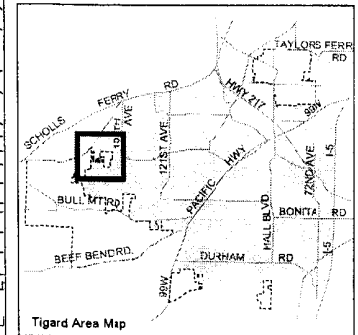
## VICINITY MAP

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ZCA2002-00001

=====

## FERN STREET ANNEXATION



N

0 400 800 Feet

1"= 505 feet



City of Tigard

Information on this map is for general location only and  
should be verified with the Development Services Division.  
13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>

ORDINANCE NO. 2002- \_\_\_\_\_

**AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2002-00001/FERN STREET ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.**

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**WHEREAS**, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

**WHEREAS**, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

**WHEREAS**, the Tigard City Council held a public hearing on May 14, 2002 to consider the annexation of six (6) parcels of land consisting of 12.32 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

**WHEREAS**, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

**WHEREAS**, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on May 14, 2002; and

**WHEREAS**, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

**WHEREAS**, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

**WHEREAS**, the current and proposed zoning district is R-7, therefore, no zone change is necessary; and

**WHEREAS**, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

**WHEREAS**, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

**NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:**

**SECTION 1:** The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

**SECTION 2:** This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

**SECTION 3:** The City Recorder is hereby directed to file certified copies of the Ordinance with Metro for administrative processing.

**SECTION 4:** Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

**SECTION 5:** Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2003.

**SECTION 6:** In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

**PASSED:** By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

**APPROVED:** By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
James E. Griffith, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

**ANNEXATION DESCRIPTION**  
**(ZCA2002-00001/FERN STREET ANNEXATION)**  
**(Option #2)**

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A tract of land situated in the Northwest One-quarter of Section 4 Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon described as follows:

Beginning at the Northwest Corner of lot 22 Handy Acres as recorded in Book 10 Page 31 of the Washington County Subdivision records; thence S 00° 42' 58" W, along the west line of lot 22, a distance of 905.12 feet to the Southwest corner of lot 22; thence N 89° 43' 30" E, along the south line of lots 22&23 Handy Acres, a distance of 340.00 feet to the Southeast corner of lot 23; thence N 00° 42' 58" E, along the east line of lot 23, a distance of 474.84 feet; thence N 89° 17' 49" W a distance of 20.39 feet; thence N 14° 44' 11" E a distance of 87.71 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 125.00 feet, a delta of 14° 02' 00", (a chord which bears N 7° 43' 11" E 30.54 feet) and a length of 30.62 feet to a point of tangency; thence N 00° 42' 11" E a distance of 143.64 feet to a point of curve of a curve to the right; thence along said curve to the right with a radius of 25.00 feet, a delta of 111° 47' 35", (a chord which bears N 56° 35' 59" E, 41.40 feet) and a length of 48.78 feet to the southerly right-of-way of SW Fern Street; thence S 67° 30' 14" E, along said right-of-way, a distance of 170.53 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 741.25 feet, a delta of 12° 46' 29" (a chord which bears S 73° 53' 28" E, 164.93 feet) and a length of 165.27 feet to the Northeast corner of lot 25 Handy Acres and the Northeast corner of Tract "E" Hillshire Woods; thence N 00° 42' 57" E, leaving said southerly right of way, a distance of 50.67 feet to the northerly right-of-way of SW Fern Street, to the Southeast corner of lot 6 Handy Acres and a point of on a curve to the right; thence along said curve to the right with a radius of 691.25 feet, a delta of 12° 07' 02" (a chord that bears N 73° 33' 45" W, 145.92 feet) and a length of 146.19 feet; thence N 67° 30' 14" W, along said northerly right-of-way, a distance of 485.68 feet to the point of curvature of a curve to the left; thence along said curve to the left with a radius of 383.12 feet, a delta of 30° 52' 44" (a chord that bears S 87° 27' 25" E, 261.48 feet) and a length of 266.85 feet to the Southeast corner of lot 11 Handy Acres; thence N 00° 42' 49" E, along the east line of said lot 11, a distance of 381.19 feet to the Northeast corner of said lot 11; thence S 89° 30' W a distance of 170.01 feet to the Northwest corner of said lot 11; thence S 00° 42' 53" W a distance of 490.37 feet to the Southwest corner of said lot 11 and a point on a curve to the left; thence along said curve to the left with a radius of 383.12 feet, a delta of 3° 32' 40" (a chord that bears S 39° 48' 43" W, 23.70) and a length of 23.70 feet to a point of reversing curve of a curve to the right; thence along said curve to the right with a radius of 333.75 feet, a delta of 51° 40' 00" (a chord that bears S 63° 44' 46" W, 290.87 feet) and a length of 300.96 feet to a point of tangency; thence S 89° 34' 46" W, along said northerly right-of-way, a distance of 234.72 feet to the Southeast corner of lot 15 Handy Acres; thence N 00° 43' 00" E a distance of 635.82 feet to the Northeast corner of said lot 15; thence S 89° 30' 00" W a distance of 130.00 feet; thence S 00° 43' 00" W a distance of 685.65 feet to the southerly right-of-way of SW Fern Street; thence N 89° 34' 46" E, along said southerly right-of-



**ANNEXATION DESCRIPTION**  
**(ZCA2002-00001/FERN STREET ANNEXATION)**  
**(Option #2)**

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way, a distance of 365.71 feet to a point of curve of a curve to the left; thence along said curve to the left with a radius of 383.75 feet, a delta of  $51^{\circ} 40' 00''$  (a chord that bears N  $63^{\circ} 44' 46''$  E, 334.44 feet) and a length of 346.05 feet to a point of reversing curve to the right; thence along said curve to the right with a radius of 333.12 feet, a delta of  $61^{\circ} 34' 17''$  (a chord that bears N  $68^{\circ} 34' 17''$  E, 341.00 feet) and a length of 357.98 feet to the point of Beginning.

Containing 12.32 Acres

EXHIBIT B  
Option #2  
(6 Parcels)

**BEAVERTON**

**TIGARD**

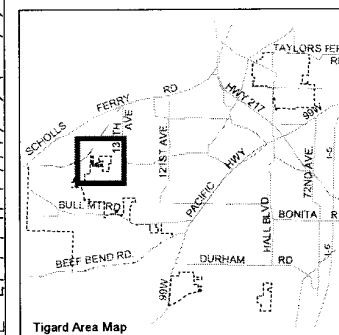
CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

## VICINITY MAP

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ZCA2002-00001  
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## FERN STREET ANNEXATION



0 400 800 Feet  
1" = 505 feet



City of Tigard

Information on this map is for general location only and  
should be verified with the Development Services Division.  
13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>

Agenda Item:

Hearing Date:

May 14, 2002

7:30 PM

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



## **SECTION I. APPLICATION SUMMARY**

**FILE NAME:** FERN STREET ANNEXATION  
**CASE NO.:** Zone Change Annexation (ZCA) ZCA2002-00001

**APPLICANT:** Ken Sandblast  
 Planning Resources, Inc.  
 8755 SW Citizens Drive, Suite 206  
 Wilsonville, OR 97070  
**OWNER:** Numerous Owners.  
 List is available upon request.

**PROPOSAL:** The applicant is requesting to annex two (2) parcels into the City of Tigard. However, the City of Tigard finds it appropriate to annex additional parcels which are considered in two options.

**CURRENT  
ZONING  
DESIGNATION:** R-7.

**EQUIVALENT CITY  
ZONING  
DESIGNATION:** R-7, Medium Density Residential. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

**LOCATION:** 13998, 14040, 14050, 14125 and 14445 SW Fern Street; WCTM 2S104BC, Tax Lots 2400, 2200, 2100, 700 and 1000.

**APPLICABLE  
REVIEW  
CRITERIA:** Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Policies 2 and 10; Metro Code Chapter 3.09; and ORS Chapter 222.

## **SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Council find that the proposed annexation will not adversely affect the health, safety and welfare of the City. Therefore, staff recommends **APPROVAL**

of the Annexation by adoption of the attached Ordinance (OPTION 2).

### **SECTION III. BACKGROUND INFORMATION**

#### **Site Information and Proposal Description:**

The Fern Street annexation consists of five (5) parcels equaling 11.86 acres. The parcels are within the City of Tigard's urban service area. The reason for annexing into the City of Tigard is to include two (2) of the five (5) parcels in a 14 lot subdivision. The additional parcels are due to Staff's contact with surrounding property owners that wished to be included with this annexation application.

In addition, the Fern Street annexation would create a .46 acre island. Staff has attempted to contact the owner of this property to be included with the proposed annexation with no response. Therefore, staff is presenting Council with 2 ordinance options. The property is already zoned with the County R-7 zoning designation and the proper zoning is concurrent with the annexation according to Section 18.320.020.C of the Community Development Code. The County zone will automatically convert to the City R-7 zone upon annexation approval by Council.

#### **Option #1**

Approve the annexation of (5) parcels of approximately 11.86 acres into the City of Tigard and create a .46 acre island described as WCTM 2S104BC, Tax Lot 02300.

#### **Option #2**

Approve the annexation of (6) parcels of approximately 12.32 acres into the City of Tigard through the adoption of a separate ordinance by means of a double-majority. This includes the .46 acre parcel.

Staff has notified all affected agencies and CIT members of the proposed annexation. There was no objection to the annexation by those who returned comments. Staff has reviewed the proposal for compliance with Metro Chapter 3.09, the Comprehensive Plan Policies, the Tigard Development Code, and the Oregon Revised Statutes. As indicated in the staff report to City Council, the proposed annexation meets the applicable standards. Pursuant to Chapter 18.320.020.C of the Tigard Development Code, the Comprehensive Plan designation and the City's zoning is automatically applied to property upon approval of the annexation by Council.

#### **Vicinity Information:**

The subject parcels are adjacent to the City of Tigard boundary, three (3) of which are north of SW Oxalis Street. The remaining two (2) parcels are just north of SW Fern Street near the Bonneville Power Administration property. The property on all sides of the proposed annexation are zoned R-7.

### **SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS**

**The relevant criteria in this case are Tigard Comprehensive Plan Policies 2.1.1, 10.1.1, 10.1.2, and; Tigard Community Development Code Chapter 18.320.**

Staff has determined that the proposal is consistent with the relevant policies of the Comprehensive Plan based on the following findings:

Policy 2.1.1:

This Policy requires an ongoing citizen involvement program. The West CIT and surrounding property owners have been notified of the public hearing and notice of the hearing has been published in a newspaper of general circulation. The site has been posted since March 29<sup>th</sup>, 2002, and the hearing was announced at the April Citizen Involvement meeting. There have been a number of opportunities for citizens to be involved in the decision making process.

Policy 10.1.1:

This Policy requires adequate service capacity delivery to annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. This policy has been complied with.

Policy 10.1.2:

This Policy pertains to boundary criteria for annexations and is satisfied. The property is adjacent to the Tigard city limits.

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

**Section 18.320.020: This Section addresses approval standards for annexation proposals and is satisfied because:**

The applicable Comprehensive Plan Policies and Community Development Code provisions have been reviewed and satisfied as previously indicated in this report.

The property is currently zoned R-7. Because this property is in the Urban Service Area, the equivalent zoning has already been attached to the property, therefore, the property does not need to be rezoned upon annexation.

**Metro 3.09 requires the additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:**

**Consistency with the directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;**

The processing has been done consistent with applicable Urban Service Provider agreements.

**Consistency with directly applicable provisions of urban planning or other agreement, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;**

The process required by the Development Code and Comprehensive Plan is consistent with the Urban Planning Agreement for annexations.

**Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;**

This has been discussed previously in this report and, as discussed, this criterion is satisfied.

**Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plans;**

Because the Development Code has been amended to comply with applicable Metro functional plan requirements, by complying with the Development Code and Comprehensive Plan, the annexation is consistent with the applicable Functional Plan and the Regional Framework plan.

**Whether the proposed changes will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;**

The proposed annexation will not interfere with the provision of public facilities or services because it is adjacent to existing city limits and services. Many services have been extended to the subject parcels as a result of earlier development.

**If the proposed boundary change is for annexation of territory to Metro, a determination by Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;**

The subject property is already within the Metro boundaries.

**Consistency with other applicable criteria for the boundary change in question under state and local law.**

Consistency with other applicable criteria has been discussed previously in this report.

**SECTION V. OTHER STAFF COMMENTS**

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and Water Department have all reviewed this proposal and have offered no objections to annexation.

## **SECTION VI. AGENCY COMMENTS**

NW Natural Gas, Tri-Met Transit Development, Metro Land Use & Planning and Washington County have had the opportunity to review the proposal and have offered no objections.

**BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2002-00001 – FERN STREET ANNEXATION.**

\_\_\_\_\_  
PREPARED BY: Mathew Scheidegger  
Assistant Planner

\_\_\_\_\_  
May 2, 2002

DATE

\_\_\_\_\_  
APPROVED BY: Richard Bewersdorff  
Planning Manager

\_\_\_\_\_  
May 2, 2002

DATE

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF May 14, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Skateboard Park Funding Authorization and Design Contract Award

PREPARED BY: Dan Plaza DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Council is being asked to award an RFP for architectural conceptual design services for a skateboard park facility. City Council, at the January 15, 2002 study session, agreed to the Skateboard Park Task Force request for \$20,000 in seed money to provide architectural conceptual design services and to cover some of the initial costs of the Task Force. This matter is before the Council to award the RFP and to formalize Council's positive intent stated at the January 15, 2002 study session.

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STAFF RECOMMENDATION

Staff recommends that the Council award the contract to Purkiss Rose, RSI.

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INFORMATION SUMMARY

The Mayor established a Skateboard Park Task Force. The Task Force now consists of three sub-groups: Design, Site Selection and Finance Committees. There have been three general membership meetings. As well as many sub committees meetings with attendance ranging from five to as many as eighty interested citizens. A final site location and funding for development of the facility are issues that remain unresolved at this time.

On January 15, 2002 at a Council Study Session, Rich Carlson, Task Force Chair, requested that Council authorize \$20,000 in seed money for use in hiring a design consultant and to cover some of the initial costs of the Task Force. Some of the initial costs include printing, copying, and possible transportation costs associated with visiting other skateboard facilities, etc.

The Council informally approved the Task Force's request and an RFP seeking architectural design services was prepared and subsequently released on February 20. The RFP's were due on March 27. The City received five RFP's (shown below). Purkiss Rose, RSI submitted the low cost for design services at \$9,250.

➤ Airspeed Skateparks	\$30,000
➤ MIG with Dreamland	\$19,998
➤ Crow/Clay & Assoc.	\$19,974
➤ Lawrence Moss & Assoc.	\$10,000
➤ Purkiss Rose Landscape	\$ 9,250

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### OTHER ALTERNATIVES CONSIDERED

Council not award contract to design skateboard facility.

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### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Urban and Public Services, Recreation #1, "...providing opportunities for the Tigard community."  
Parks and Greenways #2, Strategy, "Acquire and develop parkland"

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### ATTACHMENT LIST

1. Transcription of Mr. Carlson's request for City funding and Mr. Monahan's response at January 15, 2002 Council Study Session.
2. Minutes of January 15, 2002 Council Study Session (in particular, item #4)

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### FISCAL NOTES

Council informally approved the Task Force's request for \$20,000 in seed money for the provision of design services and to cover some of the Task Force's initial costs. The cost for the design services is \$9,250 and the funds are available in the Park Division Budget.

## ***ATTACHMENT #1***

May 14, 2002

### **Skateboard Park Funding Authorization and Design Contract Award**

#### ***January 15, 2002 Council Meeting***

#### ***Rich Carlson's request for \$20,000 seed money and Bill Monahan's response to request***

##### ***Carlson's Request***

...what the Task Force would hope to talk to you about is seed money, up to \$20,000 to hire a consultant to develop (scratchy) a conceptual design and then to cover some of the initial costs assuming that this goes forward and we get into a fund raising mode. There will be printing costs, there are already photocopying costs and there would probably be some transportation costs and I guess what we would request and what we would add is to authorize staff to expend those funds in support of this feasibility study up to that amount. And, I don't want you to think that we would just go out and hire a consultant without any idea where we would put this park as I discussed with Bill this afternoon the idea of the design and site location kind of goes hand in hand. So we would like to have the consultant be available to help in the site location process and then begin to design as we move forward.

##### ***Monahan Response***

In my discussions with Rich – as we have been seeing this come together, I'm likening this to how we've went about the library process – that we went out for proposals, we chose an architect to who we said work with us to develop the need, then work with us in helping to identify the criteria for site, help us identify a site, then help us do a preliminary design, and get us to where we are. And, we had the ability to stop anywhere along the way if we didn't think it was working out. And, Rich expressed to me that he was comfortable with that. And, even if we got to the point that if we couldn't come up with a site decision we'd have something to then display and when someone can identify a site we're ready to move if that's the direction the Council wanted to go. But, I think we can control it so that if you authorized up to \$20,000 we wouldn't necessarily be spending all of it unless we were getting closer and closer to a solution.

*Transcribed by Dan Plaza, February 10, 2002*

EXCERPT FROM  
MINUTES  
TIGARD CITY COUNCIL WORKSHOP MEETING  
JANUARY 15, 2002

4. UPDATE ON SKATEBOARD PARK TASK FORCE

Public Work Director Ed Wegner and Parks Manager Dan Plaza were present. Mr. Wegner introduced Mr. Rich Carlson who is the chairman of the Skateboard Park Task Force. Other Skateboard Park Task Force members attending were: Brendon Schild, Linda Schild, Dave Morrison, Donnie Morrison, Sam Carlson, and Jeffrey Johnson.

Mr. Carlson updated the Council on the progress of the Task Force. (A copy of the staff report is on file in the City Recorder's office.) The Task Force has received information from representatives who are associated with skateboard parks in the area. These parks included the City of Tualatin and the Chehalem Parks and Recreation District. There was discussion on the subcommittees created: Design, Site Selection and Fundraising.

It was noted that the City's insurance costs should not increase because of the skateboard park; however, the insurance carrier should be asked for input during the design process.

Skateboard parks are low maintenance. It was suggested that a board be formed to review maintenance issues.

Fundraising efforts will be needed from both adults and young people. Chehalem Parks and Recreation hired a professional fundraiser. In order to obtain in-kind contributions, many specifics must be known concerning what items are needed for a skateboard park.

The Design Subcommittee is working on preparing a short list of potential designers for skateboard park conceptual plans.

The City of Tualatin raised \$165,000 for its skatepark and Mr. Carlson said he thought Tigard could raise more than that.

Mr. Carlson noted that the Skateboard Park Task Force requests Council to consider allocating up to \$20,000 to hire a design and site location consultant. Public Works Director Wegner advised that funds would be available for this allocation in the Parks budget. Consensus of Council was to support this request (up to \$20,000). Staff will prepare a proposal for formal Council consideration.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF May 14, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Library Summer Update

PREPARED BY: Margaret Barnes DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Update on the Summer Reading Activities at the Library.

STAFF RECOMMENDATION

No action necessary.

INFORMATION SUMMARY

The goal of Summer Reading is to have families use the library and to encourage children to read for recreation during the summer. The theme this year is "Don't Bug Me I'm Reading." Both the children's and teen programs will begin on Monday, June 17 and continue through Saturday, August 3. A wide variety of events are planned for Summer Reading including: "The Reptile Man," "Tom Question Juggling" and storytime with TVF&R. Some of the programs are scheduled to take place in Fanno Creek Park behind the Library.

Special outreach plans this year include library staff visiting summer day camp and daycare centers to sign children up for Summer Reading. Throughout Summer Reading, staff will periodically return to these centers. In this way, the programs and services provided by the library are extended beyond the walls of the building.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #2: A wide array of opportunities for life-long learning are available in a variety of formats and used by the community.

ATTACHMENT LIST

None.

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FISCAL NOTES

None.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF May 14, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Finance Department Overview

PREPARED BY: Craig Prosser DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Informational briefing only

STAFF RECOMMENDATION

No action required

INFORMATION SUMMARY

Staff will present an informational overview on the structure, successes, and future priorities of the Finance Department.

OTHER ALTERNATIVES CONSIDERED

NA

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

NA

ATTACHMENT LIST

PowerPoint Presentation

FISCAL NOTES

NA

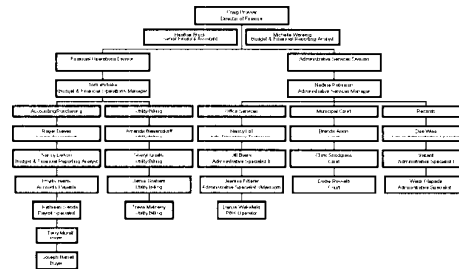
## City of Tigard

### Finance Department Overview

May 14, 2002



### Finance Department Organization Chart



### Administration Division Craig Prosser

- Department Management
- Annual Financial Planning Process
- Annual Budget Process
- Franchise Management
- Management Studies
- Fees and Charges Reviews
- Business Tax
- Assessments and Liens
- Bond Issuance & Debt Management



### Financial Operations Division Tom Indieke

- Sections
  - Accounting
  - Utility Billing
  - Finance Support



### Utility Billing Section

- Water and Sewer Billing
- Collection of Past Due Accounts
- Customer Support
- Meter Reading Back Up



### Utility Billing Section

- Performance Measures
  - Water Accounts – 15,872
  - Utility Bills mailed – 104,528
  - Ratio of current water bills past due to total billed – 2.00%





## Accounting and Financial Reporting Section

- General Ledger
- Accounts Payable & Receivable
- Payroll
- Purchasing/Contracts Management
- Consolidated Annual Financial Report (CAFR)



## Accounting and Financial Reporting Section

- Performance Measures
  - Payroll Checks processed per year – 6,800
  - Check requests/invoices processed – 20,808
  - Number of purchase orders processed – 1,071
  - City departments rating Financial Operations' customer service as good or excellent – 100%



## Financial Operations Support Section

- Budget Process
- Solid Waste Franchise Management
- Rate Reviews/Rate setting
- Special Studies

## Administrative Services Division Nadine Robinson

- Sections:
  - Office Services
  - Records Management
  - Municipal Court



## Office Services Section

- Desktop publishing projects
- Web site management (content)
- Switchboard
- Clerical support - city-wide
- Mail services
- Conference room scheduling
- Fleet scheduling
- Management of city copy machines



## Office Services Section

- Performance Measures
  - Average number of switchboard calls per day – 520
  - Average number of pieces of mail per month – 6,245
  - Outside room users rating customer service as good or excellent – 90%
  - Internal staff rating response and accuracy as good or excellent – 90%



## Records Management Section

- Retention schedules for all City records (paper and electronic)
- Records storage and retrieval
- Archives
- Records destruction
- Staff training
- Hold It, Stow It, or Throw It Day



## Records Management Section

- Performance Measures
  - Number of new records entered into the system per month – 200
  - Average time to retrieve records – 60 minutes
  - In-house users rating customer service as good or excellent – 95%



## Municipal Court Section

- Municipal Court Operations
  - Parking
  - Minor traffic
  - Code violations
- Docketing
- Collection of fines and fees
- Special Projects
  - Photo Radar/Red Light
  - Juvenile Court



## Municipal Court Section

- Performance Measures
  - Number of traffic citations processed per year – 5,500
  - Number of trials docketed each year – 1,035
  - Cases disposed of within 90 days of citation – 85%
  - Assessed fines collected within 30 days of imposition – 75%



## Successes Financial Management & Budget

- PGE Audit – recovered \$310,746 in past due fees due the City
- Fee and Charges Review – developed Master Fee Resolution
- Performance Measurement
- Budget Document Upgrade
- Won GFOA Budget Presentation Award
- Developed and conducted a long range planning/priority setting exercise for Executive Staff

## Successes Financial Management & Budget

- City Department Support
  - Arranged low-cost financing for Cook Park Improvements
  - Management Studies -- Meter Reading
  - Bull Mountain Annexation Study
  - Washington Square Regional Plan
  - New Library – developed financial analyses for Ballot Measure
  - WCCLS Funding – analyzed funding formula and levy options
  - Labor Negotiations Costing

### Successes Utility Billing & Financial Operations

- Reduced the Number of Past Due Accounts
- Enhanced Support to City Departments
  - Water Rate Reviews
- Solid Waste Rate Review
- Lien Accounting/Tracking System
- Implemented online utility bill payment program
  - [www.ci.tigard.or.us](http://www.ci.tigard.or.us)
- Provided additional utility bill payment drop boxes

### Successes Accounting, Payroll, & Purchasing

- Annual Audit/CAFR Upgrade
- Developed new citywide grant application and management process
- Received GFOA Financial Reporting Award
- Implemented citywide procurement card program
- Placed all City RFPs online – [www.ci.tigard.or.us](http://www.ci.tigard.or.us)
- Electronic Transfer of Employee Retirement and Deferred Comp Contributions

### Successes Office Services

- Design and development of the City's new web page
- Created City Fleet Pool and check out process
- Developed annual conference room customer service surveys reservations and use
- Developed annual internal customer service survey
- Training for City departments on the updated Computer Use, Electronic Mail and Internet Policy



### Successes Records

- 300 cubic feet of City records, that met retention requirements, were destroyed
- Upgraded Clerk's Indexing software
- First annual Hold It, Stow It, Throw It Day
- Participated in the review and update of the City Code



### Successes Municipal Court



- Juvenile court study completed and jurisdiction of requested cases transferred to Municipal Court
- Renewed collection contract with an outside collections agency

### FY 2002-03 Priorities Finance Administration

- |                                                                                                                       |                             |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------|
| ■ Franchise audits                                                                                                    | ■ Library Bond Issuance     |
| ■ City Financial Condition                                                                                            | ■ Indonesian Training       |
| ■ Management Studies <ul style="list-style-type: none"> <li>- Building Inspections</li> <li>- Water Meters</li> </ul> | ■ FY 2003-04 Budget Process |
|                                                                                                                       | ■ Performance Measurement   |

### FY 2002-03 Priorities Financial Operations

- Implement GASB 34
- Complete outsourcing of Utility Billing receipting
- Business Process Review
- Manage City's contracting manual

### FY 2002-03 Priorities Administrative Services

- Municipal Court Youth Court review
- Expand the Municipal Court information on City website
- Annual records destruction
- Train City departments on records issues
- Review Records Management software options
- Annual customer service surveys
- Continued expansion of the City's web site